

# EXHIBIT

# A

# **Condensed Transcript**

## **Deposition of**

**Melvin Alonza Lowe, III**  
**Volume 1**

**January 3, 2006**

**Melvin Lowe**  
**v.**  
**Montgomery County Board of Education, et al.**

**Case No. 2:05-CV-0495**



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<p>1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION</p> <p>MELVIN LOWE,  Plaintiff,  vs. CASE NO. 2:05-CV-0495  MONTGOMERY COUNTY BOARD OF EDUCATION, et al.,  Defendants.</p>	<p>2</p> <p>herein.</p> <p>* * * * *</p> <p>APPEARANCES</p> <p>Representing the Plaintiff:</p> <p>MR. WILLIAM F. PATTY MS. TANYA DUGAS Attorneys at Law Beers, Anderson, Jackson, Patty &amp; Van Heest 250 Commerce Street Suite 100 Montgomery, Alabama 36104</p> <p>Representing the Defendants:</p> <p>MRS. ELIZABETH B. CARTER Attorney at Law Hill, Hill, Carter, Franco, Cole &amp; Black, P.C. 425 South Perry Street Montgomery, Alabama 36104</p> <p>Also present: Mr. Jimmy Barker</p>
<p>250</p> <p>* * * * *</p> <p>The deposition of MELVIN ALONZA LOWE, III, was taken before Cornelia J. Baker, Certified Court Reporter and Certified Shorthand Reporter, as Commissioner, on Tuesday, January 3, 2006, commencing at approximately 9:41 a.m., in the law offices of Beers, Anderson, Jackson, Commerce Street, Montgomery, Alabama, pursuant to the stipulations set forth</p>	<p>3</p> <p>* * * * *</p> <p>STIPULATIONS</p> <p>It is hereby stipulated and agreed by and between counsel representing the parties that the deposition of MELVIN ALONZA LOWE, III, is taken pursuant to the Rules of Civil Procedure, and that said deposition may be taken before Cornelia J. Baker,</p>

January 3, 2006

<p style="text-align: right;">4</p> <p>Certified Court Reporter, as Commissioner, without the formality of a commission; that objections to questions, other than objections as to the form of the questions, need not be made at this time, but may be reserved for a ruling at such time as the deposition may be offered into evidence, or used for any other purpose by either party hereto, provided by the Statute. It is further stipulated and agreed by and between counsel representing the parties in this case, that the filing of the deposition of MELVIN ALONZA LOWE, III, is hereby waived, and that said deposition may be introduced at the trial of this case or used in any other manner by either party hereto provided for by the Statute, regardless of the waiving of the filing of same.</p> <p>It is further stipulated and agreed by and between counsel and the witness that the reading and signing of the deposition by the witness is hereby waived.</p> <p style="text-align: center;">* * * * *</p>	<p style="text-align: right;">6</p> <p>letter entitled Specific Letter of Appointment, Re-Hire, to Melvin Lowe from Jimmy Barker, and 11/12/03 letter entitled Specific Letter of Appointment, Re-Hire Correction, addressed to Melvin Lowe from Jimmy Barker</p> <p>Defendants' Exhibit No. 3 ..... 128 AEA/Lowe 00336, 00362, 00363 &amp; 00386, 2/21/02 letter to Melvin Lowe from Jimmy Barker, Re: Paid Leave of Absence, and 3/18/02 letter to Melvin Lowe from Jimmy Barker, Re: Letter of Reprimand</p> <p>Defendants' Exhibit No. 4 ..... 141 AEA/Lowe 00375, Montgomery Public Schools Personnel Change Form</p> <p>Defendants' Exhibit No. 5 ..... 150 8/2/04 letter to U.S. Equal Employment Opportunity Commission</p>																		
<p style="text-align: right;">5</p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;">I N D E X</p> <table border="0"> <tr> <td>EXAMINATION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>BY MRS. CARTER:</td> <td style="text-align: right;">10</td> </tr> <tr> <td>BY MR. PATTY:</td> <td style="text-align: right;">393</td> </tr> <tr> <td>BY MRS. CARTER:</td> <td style="text-align: right;">401</td> </tr> <tr> <td>EXHIBIT</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>Defendants' Exhibit No. 1 .....</td> <td style="text-align: right;">90</td> </tr> <tr> <td colspan="2">AEA/Lowe 00383, Montgomery Public Schools Personnel Change Form</td> </tr> <tr> <td>Defendants' Exhibit No. 2 .....</td> <td style="text-align: right;">91</td> </tr> <tr> <td colspan="2">AEA/Lowe 00378-00379, 2/22/03</td> </tr> </table>	EXAMINATION	PAGE	BY MRS. CARTER:	10	BY MR. PATTY:	393	BY MRS. CARTER:	401	EXHIBIT	PAGE	Defendants' Exhibit No. 1 .....	90	AEA/Lowe 00383, Montgomery Public Schools Personnel Change Form		Defendants' Exhibit No. 2 .....	91	AEA/Lowe 00378-00379, 2/22/03		<p style="text-align: right;">6</p> <p>from Melvin Alonza Lowe, III</p> <p>Defendants' Exhibit No. 6 ..... 151 AEA/Lowe 00050-00054, 8/03/04 letter from Melvin Alonza Lowe, III</p> <p>Defendants' Exhibit No. 7 ..... 152 AEA/Lowe 00055-00062, Addendum-Complaint of Employment Discrimination</p> <p>Defendants' Exhibit No. 8 ..... 154 AEA/Lowe 00114, 10/11/04 Charge of Discrimination</p> <p>Defendants' Exhibit No. 9 ..... 155 AEA/Lowe 00115, 10/11/04 letter to Mrs. Vanessa B. Hannah at U.S. Equal Employment Opportunity Commission from Melvin Alonza Lowe, III</p>
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<p>Defendants' Exhibit No. 10 ..... 156                      AEA/Lowe 00131-00132, 11/12/04                      Charge of Discrimination</p> <p>Defendants' Exhibit No. 11 ..... 159                      Dismissal and Notice of Rights and                      Notice of Suit Rights</p> <p>Defendants' Exhibit No. 12 ..... 278                      AEA/Lowe 00388-00391, Re: Highly                      Qualified Application</p> <p>Defendants' Exhibit No. 13 ..... 292                      AEA/Lowe 00371, May 27, 2002 letter                      to Melvin Lowe from Clinton Carter,                      Re: Non-Renewal of Contract</p> <p>Defendants' Exhibit No. 14 ..... 292                      AEA/Lowe 00316, 6/03/02 letter to                      Mr. Jimmy Barker from Melvin Alonza                      Lowe, III</p>	<p>Defendants' Exhibit No. 19 ..... 295                      AEA/Lowe 00217, 6/22/05 e-mail to                      Carlinda Purcell from Melvin A.                      Lowe</p> <p>Defendants' Exhibit No. 20 ..... 302                      AEA/Lowe 00216, 6/22/05 e-mail to                      Jimmy Barker and Carlinda Purcell                      from Melvin A. Lowe</p> <p>Defendants' Exhibit No. 21 ..... 302                      AEA/Lowe 00219, Letter of                      Recommendation from Dr. James Owens</p> <p>Defendants' Exhibit No. 22 ..... 303                      AEA/Lowe 00255, 6/26/05 letter to                      Mr. Barker from Melvin Alonza Lowe,                      III</p> <p>Defendants' Exhibit No. 23 ..... 304                      AEA/Lowe 00302, 7/29/05 letter to                      Mr. Barker from Melvin Alonza Lowe,                      III</p>
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<p>Defendants' Exhibit No. 15 ..... 293                      AEA/Lowe 00368, 5/19/04 letter to                      Mr. Melvin A. Lowe, III from                      Clinton Carter</p> <p>Defendants' Exhibit No. 16 ..... 293                      AEA/Lowe 00411, 5/19/04 letter to                      Mr. Jimmy Barker from Melvin Alonza                      Lowe, III</p> <p>Defendants' Exhibit No. 17 ..... 294                      AEA/Lowe 00410, 6/23/04 e-mail to                      Jimmy Barker and Carolyn M. Hicks                      from Melvin A. Lowe</p> <p>Defendants' Exhibit No. 18 ..... 247                      AEA/Lowe 00374, 8/17/04 letter to                      Melvin A. Lowe from Jimmy Barker</p>	<p>Defendants' Exhibit No. 24 ..... 304                      AEA/Lowe 00309, 8/9/05 letter to                      Mr. Jimmy Baker from Melvin Alonza                      Lowe, III</p> <p>Defendants' Exhibit No. 25 ..... 305                      AEA/Lowe 00419-00420, 8/25/05                      letter to Dr. James C. Owens from                      Melvin Alonza Lowe, III</p> <p>Defendants' Exhibit No. 26 ..... 309                      Composite Exhibit</p> <p>Defendants' Exhibit No. 27 ..... 309                      AEA/Lowe 00241-00294, Composit                      Exhibit</p> <p>Defendants' Exhibit No. 28 ..... 310</p>

<p>9</p> <p>AEA/Lowe 00220, 6/23/05 e-mail to Jimmy Barker and Carlinda Purcell from Melvin A. Lowe</p> <p>Defendants' Exhibit No. 29 ..... 310 AEA/Lowe 00221, 6/23/05 e-mail from Jimmy Barker to Melvin A. Lowe</p> <p>Defendants' Exhibit No. 30 ..... 313 Composite Exhibit</p> <p>Defendants' Exhibit No. 31 ..... 319 Composite exhibit</p> <p>Defendants' Exhibit No. 32 ..... 323 Composite Exhibit</p> <p>Defendants' Exhibit No. 33 ..... 324 AEA/Lowe 00151-00152, National School Reform Conference Plan for Presenting</p> <p>Defendants' Exhibit No. 34 ..... 326</p>	<p>10</p> <p>Lowe from Carlinda Purcell</p> <p>Defendants' Exhibit No. 39 ..... 334 Composite Exhibit</p> <p>Defendants' Exhibit No. 40 ..... 336 Composite Exhibit</p> <p>Defendants' Exhibit No. 41 ..... 337 Resumes</p> <p>Defendants' Exhibit No. 42 ..... 338 AEA/Lowe 00014, 00015, 00311, Professional Educator Certificates</p> <p>Defendants' Exhibit No. 43 ..... 339 2/4/05 letter to Dr. Carlinda Purcell from Melvin Alonza Lowe</p> <p>Defendants' Exhibit No. 44 ..... 340 2/16/05 letter to Dr. Carlinda Purcell from Melvin Alonza Lowe</p>
<p>9</p> <p>AEA/Lowe 00434-00440</p> <p>Defendants' Exhibit No. 35 ..... 326 AEA/Lowe 00423-00433</p> <p>Defendants' Exhibit No. 36 ..... 329 AEA/Lowe 00156-00159</p> <p>Defendants' Exhibit No. 37 ..... 332 AEA/Lowe 00146-00147, 12/03/04 e-mail to Melvin A. Lowe from Mike Looney, and 12/03/04 e-mail to Melvin A. Lowe from Judith Harwood</p> <p>Defendants' Exhibit No. 38 ..... 332 AEA/Lowe 00148-000150, 12/03/04 e-mail to Carlinda Purcell from Melvin A. Lowe, 12/03/04 e-mail to Judith Harwood from Melvin Lowe, and 12/03/04 e-mail to Melvin A.</p>	<p>11</p> <p>1 COURT REPORTER: Usual 2 stipulations? 3 (Whereupon all parties 4 agreed to usual 5 stipulations.) 6 MELVIN ALONZA LOWE, III, 7 The Witness, having first been duly 8 sworn or affirmed to speak the truth, 9 the whole truth, and nothing but the 10 truth, testified as follows: 11 EXAMINATION 12 BY MRS. CARTER: 13 Q. Hi, Mr. Lowe. My name is Elizabeth 14 Carter. I'm sorry I'm running a few 15 minutes late this morning. I represent 16 the Montgomery County Board of Education 17 in a lawsuit that you've filed against 18 them. 19 And I'm sure your attorneys 20 explained this to you, but I'll be 21 taking your deposition today and asking 22 you about the claims that you're making, 23 okay?</p>

<p>12</p> <p>1 A. Okay.</p> <p>2 <b>Q. I talk really fast, and the longer I go,</b></p> <p>3 <b>the faster I talk. So do not -- it</b></p> <p>4 <b>won't embarrass me if you tell me I'm</b></p> <p>5 <b>talking too fast, or she might tell me.</b></p> <p>6 <b>I've gotten better, but I still talk way</b></p> <p>7 <b>too fast.</b></p> <p>8 <b>If I ask a question that you</b></p> <p>9 <b>don't understand, please let me know.</b></p> <p>10 <b>If you need to use the restroom, if you</b></p> <p>11 <b>need to talk to your lawyer -- I mean,</b></p> <p>12 <b>it's obviously formal, because this is</b></p> <p>13 <b>your sworn testimony, but it's informal</b></p> <p>14 <b>in the sense that if you need a break or</b></p> <p>15 <b>you need me to clarify something, just</b></p> <p>16 <b>feel free to ask me, okay?</b></p> <p>17 A. Okay.</p> <p>18 <b>Q. Please state your full name for me.</b></p> <p>19 A. Melvin Alonza Lowe, III.</p> <p>20 <b>Q. Okay.</b></p> <p>21 A. A-L-O-N-Z-A.</p> <p>22 <b>Q. Okay. And where do you live?</b></p> <p>23 A. At 9536 Colleton Place, Montgomery,</p>	<p>14</p> <p>1 Nova Southeastern University.</p> <p>2 <b>Q. What type of degree did you receive from</b></p> <p>3 <b>Alabama State University?</b></p> <p>4 A. My Bachelor's, my Master's, and my</p> <p>5 Specialist.</p> <p>6 <b>Q. Okay. What did you receive your</b></p> <p>7 <b>Bachelor's in?</b></p> <p>8 A. Elementary Education.</p> <p>9 <b>Q. And what year did you receive that?</b></p> <p>10 A. 1999.</p> <p>11 <b>Q. And would that have been the Spring of</b></p> <p>12 <b>'99?</b></p> <p>13 A. That was Spring of '99.</p> <p>14 <b>Q. Okay. And when did you receive your</b></p> <p>15 <b>Master's?</b></p> <p>16 A. 2001.</p> <p>17 <b>Q. And what did you get a Master's in?</b></p> <p>18 A. Educational Administration and</p> <p>19 Supervision.</p> <p>20 <b>Q. And did you receive any other -- oh, you</b></p> <p>21 <b>said you got your Education Specialist</b></p> <p>22 <b>degree there. How many more years after</b></p> <p>23 <b>your Master's degree did you have to go</b></p>
<p>13</p> <p>1 Alabama, 36117.</p> <p>2 <b>Q. And who lives there with you?</b></p> <p>3 A. I live alone.</p> <p>4 <b>Q. Okay. How long have you lived at that</b></p> <p>5 <b>residence?</b></p> <p>6 A. It's going into my fifth year.</p> <p>7 <b>Q. And what's your date of birth?</b></p> <p>8 A. May 13th, 1973.</p> <p>9 <b>Q. And what's your Social Security number?</b></p> <p>10 A. 418-25-1365.</p> <p>11 <b>Q. Are you married?</b></p> <p>12 A. No.</p> <p>13 <b>Q. Have you ever been married?</b></p> <p>14 A. No, I haven't.</p> <p>15 <b>Q. Tell me where you went to high school.</b></p> <p>16 A. St. Jude -- I graduated from St. Jude</p> <p>17 Catholic High School. I began my high</p> <p>18 school matriculations at Jeff Davis High</p> <p>19 School.</p> <p>20 <b>Q. And what year did you graduate?</b></p> <p>21 A. May of 1991.</p> <p>22 <b>Q. And where did you go to college?</b></p> <p>23 A. I attended Alabama State University and</p>	<p>15</p> <p>1 <b>to school to get your Education</b></p> <p>2 <b>Specialist degree?</b></p> <p>3 A. I would have to look at the curriculum</p> <p>4 and then look at the transcript to see</p> <p>5 the years. It might have been maybe a</p> <p>6 year and a half.</p> <p>7 <b>Q. Okay. So what year did you graduate</b></p> <p>8 <b>with an Education Specialist?</b></p> <p>9 A. That was 2005.</p> <p>10 <b>Q. What month? Do you remember?</b></p> <p>11 A. We are now January. It should have been</p> <p>12 conferred, I think maybe in November.</p> <p>13 <b>Q. And what was -- is there any kind of</b></p> <p>14 <b>particular category that your Education</b></p> <p>15 <b>Specialist degree is in?</b></p> <p>16 A. Ed Administration.</p> <p>17 <b>Q. So that just happened?</b></p> <p>18 A. Just happened.</p> <p>19 <b>Q. The completion of it. Okay. You said</b></p> <p>20 <b>you went -- any other degrees or</b></p> <p>21 <b>special --</b></p> <p>22 A. Nova Southeastern University with an</p> <p>23 Ed.D.</p>

<p>16</p> <p>1 Q. Okay. Hold on. Let me ask you this: 2 Are there any other degrees that you 3 received at Alabama State University -- 4 A. No. 5 Q. -- that you haven't already told me 6 about? 7 A. No. 8 Q. All right. And then you went to Nova? 9 A. Nova Southeastern University. 10 Q. Is that a university that you did on 11 line or through the mail? 12 A. No. I attended campus in Atlanta, 13 Georgia, and I even had to attend campus 14 in Ft. Lauderdale, Florida. 15 Q. Where is their main campus? 16 A. They have two campuses, Ft. Lauderdale, 17 Florida, and South Miami Beach. 18 Q. Okay. Did you do some of the courses 19 through correspondence? 20 A. All of the courses were site courses, 21 except for maybe the few that had to be 22 taken on line. All courses were site 23 courses in Atlanta, Georgia.</p>	<p>18</p> <p>1 A. I only had to have a Master's. 2 Q. Okay. So those are two separate 3 programs? 4 A. The Specialist and the Doctorate? 5 Q. Yes. 6 A. Yes. As with the Master's and the 7 Bachelor's. 8 Q. Any other universities or colleges that 9 you've attended? 10 A. I'm currently enrolled at Troy State, 11 Montgomery campus. 12 Q. Okay. 13 A. To pursue a Master's of Science in adult 14 education. 15 Q. Are all of the degrees that you've 16 received and worked on up until the 17 point that you enrolled at Troy 18 involving K through twelve? 19 A. My Bachelor's certification is one 20 through six. The Master's certification 21 is P through twelve. Second endorsement 22 with double A certification with a 23 specialist, P through twelve. The</p>
<p>17</p> <p>1 Q. Okay. And what degrees did you receive 2 from Nova? 3 A. That's the Educational Doctorate. 4 Graduation is June -- is June of '06. 5 Q. So you're working on your Doctorate 6 there? 7 A. No. It's completed. 8 Q. So you've received a Doctorate from 9 Nova? 10 A. I graduate in June. That's when the 11 commencement ceremony is. I'm finished. 12 Everything is finished. 13 Q. Okay. 14 A. Graduation is '06 of June. 15 Q. Any other degrees you received from 16 Nova? 17 A. That is it. 18 Q. When did you start the Doctorate program 19 at Nova? 20 A. January of '04. 21 Q. Okay. I take it that you did not have 22 to have the Education Specialist degree 23 to begin your Doctorate program at Nova?</p>	<p>19</p> <p>1 Doctorate degree is in Educational 2 Leadership with two areas of 3 specialization, Special Education 4 Administration and Technology Trends and 5 Issues. It does not hold any particular 6 certifications, because I already have 7 certification. I didn't have to apply 8 for any additional certifications. 9 Q. Okay. So your Doctorate has two 10 categories. The first was Special 11 Education Administration -- 12 A. Administration as a specialization. And 13 the second is Technology Trends and 14 Issues in Education. 15 Q. Did you have to present a paper? 16 A. A dissertation. 17 Q. A dissertation. And do you have a copy 18 of that? 19 A. Sure. 20 Q. And that's already been presented? 21 A. Concept paper proposals one, two, and 22 three. 23 Q. And so now you're currently working on a</p>



<p>20</p> <p>1 <b>Master's of Science in adult education</b> 2 <b>at Troy?</b> 3 A. Yes. With the Master's, I forgot to 4 tell you that it holds superintendent 5 certification. 6 <b>Q. With your Master's degree from Alabama</b> 7 <b>State?</b> 8 A. Yes. P-twelve certification 9 administration, in addition to 10 superintendent certification. 11 <b>Q. Explain that to me. I guess when you</b> 12 <b>get -- or you reach a certain degree or</b> 13 <b>obtain a certain level of education,</b> 14 <b>then you can apply for certifications</b> 15 <b>that relate to the level of education</b> 16 <b>you've just completed; is that right?</b> 17 A. With the Master's, with the 18 certification rules changing 19 periodically, when I applied for initial 20 certification with the Master's program, 21 superintendent certification was granted 22 based on the coursework that I had 23 completed.</p>	<p>22</p> <p>1 Resources office would define as an 2 emergency situation. 3 <b>Q. Okay. Fair enough. So you don't have,</b> 4 <b>sitting here today or up until this</b> 5 <b>point, if I understand your testimony</b> 6 <b>correctly, you don't have a</b> 7 <b>certification to teach Special Education</b> 8 <b>without getting an emergency</b> 9 <b>certification?</b> 10 A. To teach Special Education, all I would 11 need is a teaching certificate. The 12 emergency certification would just be 13 the process of certifying me. I clearly 14 meet qualifications to -- I've never 15 applied for Montgomery County for any 16 emergency certificate in Special 17 Education. 18 <b>Q. Okay. So my question is: Have you ever</b> 19 <b>been certified to teach Special</b> 20 <b>Education under any circumstances?</b> 21 A. When I taught in Bullock County, they 22 were in the process of certifying me for 23 an emergency certificate in Special</p>
<p>21</p> <p>1 <b>Q. Okay. And is that something that you</b> 2 <b>had to apply for on top of receiving the</b> 3 <b>Master's degree?</b> 4 A. It was with the Master's degree. 5 <b>Q. Okay. So you just get that when you get</b> 6 <b>the Master's degree?</b> 7 A. In education administration supervision. 8 <b>Q. Okay. Are you certified to teach</b> 9 <b>Special Education?</b> 10 A. Under an emergency certificate, I am. 11 <b>Q. Tell me what you mean by that.</b> 12 A. An emergency certificate, based on my 13 prior certification and teacher 14 education and my prior coursework in 15 education, I meet the requirements for 16 an emergency certificate in Special 17 Education per the State of Alabama. 18 <b>Q. Well, if you were going to get an</b> 19 <b>emergency certificate, that would be if</b> 20 <b>they had to have you, right? I mean, in</b> 21 <b>an emergency situation; is that what</b> 22 <b>you're talking about?</b> 23 A. That all depends on what the Human</p>	<p>23</p> <p>1 Education prior to -- 2 <b>Q. Okay. Did you become -- go ahead.</b> 3 A. -- returning to Montgomery County. 4 <b>Q. Did you ever become certified to teach</b> 5 <b>Special Education at any time up until</b> 6 <b>today?</b> 7 A. No. 8 <b>Q. Okay. When you graduated in 1991, did</b> 9 <b>you go straight to college?</b> 10 A. Yes, I did. 11 <b>Q. Okay. From 1991 until the time that you</b> 12 <b>graduated in 1999, what type of -- tell</b> 13 <b>me about the jobs that you held. We're</b> 14 <b>not going to go back to high school, but</b> 15 <b>during those college years, the type of</b> 16 <b>jobs that you held.</b> 17 A. I worked for Attorney Massey, W. Troy 18 Massey, for a period of four -- for four 19 years. I worked for Dr. Janice Franklin 20 at Alabama State University, who is 21 now -- she's director of the university 22 library programs. And I think I worked 23 for Columbia Regional Hospital.</p>

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1 **Q. Back before they were bought by -- it's**  
2 **escaping me -- Baptist Health?**  
3 A. Well, I worked at the location downtown,  
4 so it's now closed.  
5 **Q. Yeah. What years did you work for Troy**  
6 **Massey? You said four years?**  
7 A. Towards the end of completing my  
8 undergraduate degree. I would have to  
9 look back.  
10 **Q. So did you work for him part-time while**  
11 **you were going to college?**  
12 A. Yes, I did.  
13 **Q. And what type of job responsibilities**  
14 **did you have for Mr. Massey?**  
15 A. Anything from possibly running errands,  
16 to sitting in on depositions for opening  
17 and closing cases, preparing documents  
18 for court, litigated issues and  
19 concerns.  
20 **Q. Okay. And what about Dr. Franklin --**  
21 **excuse me -- yeah, Dr. Franklin?**  
22 A. I worked as a student office assistant.  
23 **Q. And what about Columbia Regional**

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1 **Hospital?**  
2 A. I worked as a registrar.  
3 **Q. Any other jobs you had from '91 to '99?**  
4 A. I constantly worked for Liz Claiborne  
5 Fragrances and Cosmetics.  
6 **Q. And tell me about that.**  
7 A. Just a weekend job in the department  
8 stores working in the fragrance  
9 department.  
10 **Q. Okay. And what department stores? Is**  
11 **that here in Montgomery?**  
12 A. Working for the company. I didn't work  
13 for any of the local stores. I worked  
14 through the local stores. Any stores  
15 between Belk's; Parisian's, now  
16 Dillard's; Gayfers; J.C. Penney's. Even  
17 in the Birmingham area, the Macy's, the  
18 Richie stores.  
19 **Q. Okay. What office would you report to?**  
20 A. With Liz Claiborne?  
21 **Q. Yes. I'm sorry.**  
22 A. We basically worked out of the corporate  
23 office. My direct and immediate

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1 supervisor was Kathy Riley (phonetic)  
2 out of Birmingham, Alabama.  
3 **Q. Was there a corporate office for Liz**  
4 **Claiborne in Birmingham?**  
5 A. No. The corporate office, I believe,  
6 was in New York. I'm not certain, but I  
7 believe it was in New York.  
8 **Q. Do you still have any check stubs or any**  
9 **kind of financial information from being**  
10 **paid by Liz Claiborne --**  
11 A. Yes.  
12 **Q. -- that would reflect addresses?**  
13 A. Through Randstad, which is a payment  
14 company that processes our -- they  
15 process the time verifications.  
16 **Q. What year did you begin working for Liz**  
17 **Claiborne?**  
18 A. I would have to look back at some of  
19 those stubs, because it has been an  
20 extensive period.  
21 **Q. So do you still work for them now?**  
22 A. I'm still under contract.  
23 **Q. Okay. And tell me what that means. I**

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1 **apologize for my stupidity. I'm just**  
2 **not sure what you're talking about.**  
3 **What do you do?**  
4 A. As the economy changes, if there's an  
5 increase in budget allocations, we will  
6 receive allocations to work X number of  
7 hours in a department store. So it can  
8 vary.  
9 **Q. And how are you contacted? So in other**  
10 **words, you're on contract with them,**  
11 **you're educated or versed in what you're**  
12 **supposed to do as a representative of**  
13 **them, and you might get a phone call**  
14 **that says you can go work eight hours**  
15 **selling the product in X store?**  
16 A. They will give a call and say, We are  
17 going to try to work X number of hours  
18 over X amount of months, what can you do  
19 for us? How can you work? Present to  
20 us a schedule.  
21 **Q. Okay. And that's something that you do**  
22 **now?**  
23 A. I'm still under contract. Because the

<p style="text-align: right;">28</p> <p>1 budget has been cut severely, I haven't                  2 worked in at least three or four months.                  3 I would have to check my records to see                  4 when was the last date that I worked.                  5 <b>Q. But that's something you have records on</b>                  6 <b>in regards to how much money you've</b>                  7 <b>earned from them over --</b>                  8 A. Oh, yes.                  9 <b>Q. -- a certain number of years?</b>                  10 A. Because it is filed through income tax.                  11 <b>Q. Okay.</b>                  12 MR. PATTY: Melvin, be sure                  13 to let her finish her                  14 question before you --                  15 before you answer.                  16 MRS. CARTER: Yeah, we're                  17 going to get on a roll.                  18 I'm sorry, I should                  19 have said something                  20 sooner, but I was                  21 following you, so . . .                  22 She'll kick me.                  23</p>	<p style="text-align: right;">30</p> <p>1 particular event, we would work out of                  2 the department store.                  3 <b>Q. And apply --</b>                  4 A. Away from a department store.                  5 <b>Q. Oh, I gotcha.</b>                  6 A. On location.                  7 <b>Q. On location. Where you would do the</b>                  8 <b>makeup to the people there?</b>                  9 A. Yes.                  10 <b>Q. And what year -- at what time frame did</b>                  11 <b>you work for Interface Cosmetics?</b>                  12 A. I would have to go and pull my income                  13 tax records, because that, too, was over                  14 an extensive period of time.                  15 <b>Q. Have you worked for Interface Cosmetics</b>                  16 <b>since 1999?</b>                  17 A. Yes. Yes, I would have to check my                  18 records. I believe so.                  19 <b>Q. And can you tell us when was the last</b>                  20 <b>time you worked for them?</b>                  21 A. I would have to check my records. The                  22 company was consolidated. I don't                  23 remember what year, but I would have to</p>
<p style="text-align: right;">29</p> <p>1 BY MRS. CARTER:                  2 <b>Q. Any other place that you would have</b>                  3 <b>generated income from '91 to '99?</b>                  4 A. I worked for Interface Cosmetics.                  5 <b>Q. And where is their main office?</b>                  6 A. If I stand corrected, the main office is                  7 in Long Island, New York.                  8 <b>Q. Okay. And what did you do for them?</b>                  9 A. I was a celebrity makeup artist.                  10 <b>Q. Okay. And as a celebrity makeup artist,</b>                  11 <b>what did you do? Did you actually apply</b>                  12 <b>makeup to people?</b>                  13 A. I traveled with the company in my area,                  14 which was Atlanta, Georgia; New Orleans,                  15 Louisiana; Birmingham; Montgomery;                  16 Mobile.                  17 <b>Q. And you applied makeup?</b>                  18 A. Yes.                  19 <b>Q. Okay. Would you do that in department</b>                  20 <b>stores?</b>                  21 A. In the department stores, or if there                  22 was a celebrity event where -- that                  23 Interface Cosmetics was sponsoring a</p>	<p style="text-align: right;">31</p> <p>1 check my financial records.                  2 <b>Q. But you're not currently working for</b>                  3 <b>Interface?</b>                  4 A. No, I'm not. Nor Liz Claiborne.                  5 <b>Q. Okay. So you're not working for Liz</b>                  6 <b>Claiborne right now?</b>                  7 A. I'm just under contract. I'm not                  8 working.                  9 <b>Q. Okay. And when you say you're under</b>                  10 <b>contract for Liz Claiborne, that means</b>                  11 <b>that they could work you if they needed</b>                  12 <b>you or wanted to?</b>                  13 A. Yes.                  14 <b>Q. So you've never been terminated from</b>                  15 <b>there?</b>                  16 A. No.                  17 <b>Q. What about Interface, have you ever been</b>                  18 <b>terminated from Interface?</b>                  19 A. No.                  20 <b>Q. Have you ever been terminated from any</b>                  21 <b>job that you held, other than we'll get</b>                  22 <b>into the school board work in a minute,</b>                  23 <b>but any . . .</b></p>



<p>32</p> <p>1 A. Let me reflect. Are we talking about 2 those jobs that I've just listed for you 3 during my college experiences? 4 <b>Q. Yes. I'm not concerned with high 5 school.</b> 6 A. No. 7 <b>Q. Okay. Were you ever terminated from a 8 job from high school, let me ask you 9 that, when you were in high school?</b> 10 A. I didn't work while I was in high 11 school. 12 <b>Q. Okay. So to your knowledge, sitting 13 here today, you've never been terminated 14 from a job except for when you worked --</b> 15 A. Not to my knowledge. 16 <b>Q. -- for the Board?</b> 17 A. No, ma'am. 18 <b>Q. Okay.</b> 19 MR. PATTY: Be sure to let 20 her finish her 21 question. 22 THE WITNESS: Yes. 23 MRS. CARTER: Yeah, I know.</p>	<p>34</p> <p>1 graduated. 2 <b>Q. Okay. Well, when's the first time that 3 you got a job with the Montgomery County 4 Board of Education?</b> 5 A. My first employment with Montgomery 6 County was my first teaching assignment 7 on August of 1999. 8 <b>Q. Okay. And you were assigned to what 9 school?</b> 10 A. Daisy Lawrence. 11 <b>Q. And who hired you?</b> 12 A. (No immediate response.) 13 <b>Q. Who did you communicate with to learn 14 that you had gotten the job in August of 15 '99?</b> 16 A. There were actually several people 17 involved. Ms. Lois Johnson, who was 18 assistant superintendent at that time 19 over the Office of Student Support, her 20 office hired me. The particular 21 individual, there were several on the 22 interview panel. But she was over that 23 department.</p>
<p>33</p> <p>1 It doesn't bother me, 2 but she's trying to 3 write down what I say. 4 And it will read really 5 bad if I haven't 6 finished my question 7 before you answer. 8 BY MRS. CARTER: 9 <b>Q. Okay. Any other people that you've 10 worked for or entities that you've 11 worked for between 1991 and 1999 that 12 you haven't already told me about?</b> 13 A. I think I've done my best to recall all 14 of those. 15 <b>Q. All right. So when you graduated from 16 Alabama State in the Spring of '99, you 17 then made application to the Montgomery 18 County Board of Education for a teaching 19 position; is that correct?</b> 20 A. I believe that when I graduated. I 21 can't recall. I would have to look at 22 some records to see when I made first 23 application, but it was shortly after I</p>	<p>35</p> <p>1 And let me -- I don't know if 2 we want to count the short-term 3 substitute teaching that I did with 4 Montgomery County prior to my . . . 5 <b>Q. Yeah, we'll get that. We'll get that. 6 I'm sorry, I should have asked about 7 that already, but . . .</b> 8 Okay. So your first full-time 9 teaching position was -- your assignment 10 was at Daisy Lawrence, but you were 11 hired through the Student Support 12 Office? 13 A. Yes. 14 <b>Q. And Lois hired you -- or her office 15 hired you?</b> 16 A. Her office hired me. 17 <b>Q. What was your position?</b> 18 A. Classroom teacher. 19 <b>Q. Well, what did you teach?</b> 20 A. I taught -- it was a self-contained 21 unit. I taught grades five and six 22 regular ed and Special Ed. All 23 exceptionalities.</p>



<p>36</p> <p>1 <b>Q. What do you mean by that?</b>                  2 A. I had students -- I had IEPs for                  3 students who were ED, which at one time                  4 was EC, emotionally conflicted; now ED,                  5 emotional disorder. Hearing impaired,                  6 LD, and MR. And if I recall, I think I                  7 had one student who was autistic.                  8 <b>Q. When you say -- I know a little bit</b>                  9 <b>about self-contained classrooms, but one</b>                  10 <b>thing I do know is that different people</b>                  11 <b>mean different things when they say</b>                  12 <b>self-contained. When you say</b>                  13 <b>self-contained, tell us what you mean.</b>                  14 A. Self-contained is when you are teaching                  15 all subjects. You're not                  16 departmentalized. You're teaching all                  17 subjects.                  18 <b>Q. Well, did the group of students that</b>                  19 <b>you'd teach stay with you all day?</b>                  20 A. They remained with me all day.                  21 <b>Q. So you got them in the morning and you</b>                  22 <b>taught the various subjects throughout</b>                  23 <b>the day, and they left you in the</b></p>	<p>38</p> <p>1 <b>Q. I mean, you had the same aide?</b>                  2 A. Yes.                  3 <b>Q. Okay. Did you teach -- when you taught</b>                  4 <b>that year, did you teach the same</b>                  5 <b>curriculum to all your students?</b>                  6 A. Those students who were in grade five, I                  7 taught fifth-grade curriculum for all                  8 subjects. Those students who were in                  9 grade six, I taught the sixth-grade                  10 curriculum for all subjects.                  11 <b>Q. Were there students at -- did you have</b>                  12 <b>all the fifth and sixth graders?</b>                  13 A. No. The fifth graders were split                  14 between another teacher and myself.                  15 <b>Q. Okay. And then you had sixth graders?</b>                  16 A. And I had the majority of the sixth                  17 graders.                  18 <b>Q. Okay. And Daisy Lawrence is the</b>                  19 <b>alternative school, correct?</b>                  20 A. Daisy Lawrence has been a number of                  21 things. At --                  22 <b>Q. Well, what was it the year that you</b>                  23 <b>taught there?</b></p>
<p>37</p> <p>1 <b>afternoon?</b>                  2 A. Yes.                  3 <b>Q. And you're saying that there were</b>                  4 <b>regular students in that class?</b>                  5 A. I had a mix population.                  6 <b>Q. Okay.</b>                  7 A. I had students who were not identified                  8 to receive Special Education services                  9 that we would categorized as a regular                  10 population, and I had students who had                  11 been identified needing special                  12 services.                  13 <b>Q. Did you have any students in your class</b>                  14 <b>that were assisted by anybody while in</b>                  15 <b>your class, by an aide?</b>                  16 A. Yes. I had a full-time aide. And when                  17 I say "full-time," he remained with me                  18 and the students all day.                  19 <b>Q. And what was his name?</b>                  20 A. Bernard King (phonetic).                  21 <b>Q. And he's the same aide you kept</b>                  22 <b>throughout that year?</b>                  23 A. Yes.</p>	<p>39</p> <p>1 A. At that time, it was the B.E.E.P.                  2 Program. It was not referred to as the                  3 Alternative Program.                  4 <b>Q. The beat?</b>                  5 A. B.E.E.P., B-E-E-P. And I can't -- I'm                  6 not familiar with the entire acronym.                  7 The Behavioral Education Evaluation                  8 Program, I think is the correct --                  9 <b>Q. Was Daisy Lawrence in the 1999-2000</b>                  10 <b>school year, the school where children</b>                  11 <b>went if they got in trouble in school?</b>                  12 A. I'm not sure what the school board's                  13 intentions were. We were advised and we                  14 were told that our program offered                  15 services to students who had some                  16 behavioral and educational dysfunctions.                  17 <b>Q. Well, did you have the same group of</b>                  18 <b>students the entire year that you were</b>                  19 <b>there?</b>                  20 A. Some of the students were transients.                  21 Some students came to us at the                  22 beginning of the year. Some students                  23 migrated in during the year.</p>

<p style="text-align: right;">40</p> <p>1 <b>Q. Did you have students that you would</b> 2 <b>have for a certain period of time and</b> 3 <b>then they left your classroom?</b> 4 A. I believe all of my students remained 5 with me. 6 <b>Q. Okay. Who was your principal that year?</b> 7 A. Ms. Eradean Jeter. E-A-R-D-E-A-N (sic) 8 Jeter. 9 <b>Q. Who was the assistant principal, or was</b> 10 <b>there one?</b> 11 A. We did not have an assistant principal. 12 <b>Q. So did you answer directly to Ms. Jeter?</b> 13 A. Yes. 14 <b>Q. Okay. And at the end of that school</b> 15 <b>year, what happened?</b> 16 A. At the end of the school year, we were 17 notified that there would be 18 restructuring of the entire program, and 19 all teachers nontenured were terminated. 20 <b>Q. And so you received a nonrenewal notice?</b> 21 A. Yes, I did. 22 <b>Q. Okay. And during the course of that</b> 23 <b>summer, what happened? What efforts did</b></p>	<p style="text-align: right;">42</p> <p>1 <b>fourth grade students?</b> 2 A. Yes. 3 <b>Q. Did you teach all of the fourth grade</b> 4 <b>students those subject?</b> 5 A. No. I was paired with another teacher, 6 and we split our students during the 7 day. 8 <b>Q. Okay. So you and another teacher taught</b> 9 <b>all of the fourth graders what you have</b> 10 <b>labeled the basic social classes?</b> 11 A. In two fourth grade units, I taught the 12 basic social subjects. My pair teacher 13 taught the language art subjects. We 14 were not the only fourth grade unit in 15 the school. 16 <b>Q. Right. I understand. Okay. So you did</b> 17 <b>teach all of the fourth graders the</b> 18 <b>basic social . . .</b> 19 A. That were assigned to my teaching unit. 20 <b>Q. In your unit. I gotcha.</b> 21 A. And this was a regular education unit. 22 <b>Q. And did you have any other teaching</b> 23 <b>assignments or responsibilities</b></p>
<p style="text-align: right;">41</p> <p>1 <b>you make to obtain another job there?</b> 2 A. If I stand corrected, I followed the 3 normal procedures that I had been given 4 through Human Resources to reapply to be 5 reassigned for the following year. 6 <b>Q. And were you reassigned?</b> 7 A. Yes. 8 <b>Q. And where did you go?</b> 9 A. Fitzpatrick Elementary. 10 <b>Q. And what was your teaching assignment?</b> 11 A. Fourth grade basic social, which was a 12 departmentalized setting. 13 <b>Q. What does that mean?</b> 14 A. That means I taught the basic social 15 subjects, math, science, social studies, 16 and P.E. for fourth grade students. 17 <b>Q. Okay. So you had the same group of</b> 18 <b>students all year --</b> 19 A. No. 20 <b>Q. -- you had a fourth grade classroom?</b> 21 <b>Okay. Strike that.</b> 22 A. The department -- I'm sorry. 23 <b>Q. So you had certain subjects for the</b></p>	<p style="text-align: right;">43</p> <p>1 <b>throughout the course of that year?</b> 2 A. No, I did not. 3 <b>Q. And who was your direct supervisor?</b> 4 A. I had two, Mr. Donnie Terry, the 5 administrative assistant, and Ms. Vera 6 Thompson, the principal. 7 <b>Q. I'm sorry, what was the principal's</b> 8 <b>name?</b> 9 A. Ms. Vera Thompson. 10 <b>Q. Oh, Ms. Vera, okay. And she was the</b> 11 <b>principal?</b> 12 A. Yes. 13 <b>Q. At the end of that year, were you</b> 14 <b>nonrenewed?</b> 15 A. No. At the end of that year, I was not 16 nonrenewed. 17 <b>Q. What happened?</b> 18 A. Can you -- when you say "what happened"? 19 <b>Q. What happened -- you left Fitzpatrick</b> 20 <b>that year, correct? That was your only</b> 21 <b>year at Fitzpatrick?</b> 22 A. Over the summer, I transferred to 23 another school.</p>

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1 **Q. And did you request that transfer?**  
2 A. I was presented a job offer, and I  
3 accepted.  
4 **Q. Did you ever at any time ask to be**  
5 **transferred from Fitzpatrick?**  
6 A. During the course of that year, I  
7 initiated an interest in a transfer.  
8 **Q. When you say you "initiated an interest**  
9 **in a transfer," what do you mean?**  
10 A. Can you be real clear with me and ask me  
11 what do I mean? I initiated an interest  
12 towards a transfer.  
13 **Q. I mean, did you ask to be transferred?**  
14 **Did you talk to Jimmy Barker or talk to**  
15 **anybody?**  
16 A. I talked -- I communicated with  
17 Mr. Barker.  
18 **Q. And you wanted to be transferred?**  
19 A. I initiated an interest.  
20 **Q. Okay. Why did you initiate an interest**  
21 **in being transferred?**  
22 A. There was, what I thought, some  
23 disharmony in the setting at

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1 Fitzpatrick, and at that time I felt  
2 that a transfer might be the solution.  
3 **Q. Tell me what you mean by disharmony**  
4 **there. What was going on?**  
5 A. There was, I think, a misunderstanding  
6 between myself and the administrator.  
7 **Q. And what was that misunderstanding?**  
8 A. I might have or she might have  
9 overexerted certain authorities that I  
10 felt uncomfortable with.  
11 **Q. Okay. And tell us what you mean by**  
12 **that. I mean, what happened? What**  
13 **happened to your relationship or what**  
14 **happened that there was a**  
15 **misunderstanding between you?**  
16 A. I just felt that she, Ms. Thompson, was  
17 over exerting her authorities.  
18 **Q. What did she do that made you believe**  
19 **that or made you feel that way?**  
20 A. There were a number of things, just too  
21 many to call off the top of my head.  
22 But there were just a number of things  
23 that I felt uncomfortable with during

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1 that year.  
2 **Q. Okay. Do you mean things that she would**  
3 **ask you to do or times that she would**  
4 **reprimand you? I mean, I'm just trying**  
5 **to get an idea of what it was she was**  
6 **doing that made you uncomfortable.**  
7 A. Her disposition. I was uncomfortable  
8 with her disposition.  
9 **Q. Like in the manner that she dealt with**  
10 **you, her mannerisms, her tone?**  
11 A. Yes. We can say that, that I was  
12 uncomfortable with her tone and her  
13 overall demeanor towards me.  
14 **Q. Would she ever correct you or talk to**  
15 **you about the way you were teaching, and**  
16 **you would become unhappy with that?**  
17 A. She never gave me any directives as far  
18 as my teaching.  
19 **Q. Did she ever ask -- did she ever correct**  
20 **you in regards to your teaching?**  
21 A. She never supervised my teaching,  
22 therefore, she never was able to provide  
23 me any directives towards my teaching.

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1 **Q. Okay. Whether or not you think she was**  
2 **capable or should have been able to, was**  
3 **there ever occasions where she**  
4 **attempted, at least, to talk to you**  
5 **about your teaching style or what you**  
6 **were teaching?**  
7 A. Well, I'm not -- I'm not saying that she  
8 was incapable. I'm just saying she  
9 never.  
10 **Q. Okay. So you never had any conferences**  
11 **with her about your job performance at**  
12 **the school?**  
13 A. We talked just as, I guess, she did with  
14 other teachers. I need your lesson  
15 plans at this particular time. I might  
16 change this particular student out of  
17 your room, or do you have everything you  
18 need? As far as any directives, I would  
19 like to see you teach this way; I do not  
20 see this; there were never any  
21 communications of that sort.  
22 **Q. Okay. What did she do that you felt**  
23 **like was exerting too much authority**



<p style="text-align: right;">48</p> <p>1 over you?</p> <p>2 A. The uncomfortableness of her exertions.</p> <p>3 Some verbal communications that I didn't</p> <p>4 feel were in my best interest or as far</p> <p>5 as an academia concern. I didn't feel</p> <p>6 they had anything to do with my</p> <p>7 academic -- academia performances. That</p> <p>8 made me feel uncomfortable.</p> <p>9 <b>Q. So she would say and do things around</b></p> <p>10 <b>you that didn't have anything to do with</b></p> <p>11 <b>your job performance, and you thought</b></p> <p>12 <b>that was inappropriate?</b></p> <p>13 A. I'm not going to say they didn't have</p> <p>14 anything to do with my job performances.</p> <p>15 They did not have anything to do with my</p> <p>16 job presence or my performance in the</p> <p>17 capacity of a teacher.</p> <p>18 <b>Q. Okay. Tell us what it was that she</b></p> <p>19 <b>would say and do that made you have this</b></p> <p>20 <b>uncomfortableness.</b></p> <p>21 A. To be very specific, there was an</p> <p>22 incident when she asked me to conference</p> <p>23 with her in her office, and she accused</p>	<p style="text-align: right;">50</p> <p>1 on a limb or did you some favor to get</p> <p>2 you the job at Fitzpatrick? Do you have</p> <p>3 any awareness about how that came</p> <p>4 about --</p> <p>5 A. I don't see where she --</p> <p>6 <b>Q. Make sure you let me finish my question.</b></p> <p>7 A. Yes, yes. I'm sorry.</p> <p>8 <b>Q. Okay. Do you have any awareness about</b></p> <p>9 <b>how that came about, about how you got</b></p> <p>10 <b>assigned to her school?</b></p> <p>11 A. Ms. Vera Thompson called me at my</p> <p>12 mother's home one evening after 11:00.</p> <p>13 And she just asked me, Do you want to</p> <p>14 teach at Fitzpatrick? Having known of</p> <p>15 her, I accepted. Going out on a limb?</p> <p>16 I was fully educated and certified with</p> <p>17 the correct credentials to teach, so I</p> <p>18 don't know what type of limb she could</p> <p>19 have gone out on.</p> <p>20 <b>Q. Did you know Ms. Thompson before you</b></p> <p>21 <b>worked for her?</b></p> <p>22 A. Vaguely.</p> <p>23 <b>Q. You knew of her, but --</b></p>
<p style="text-align: right;">49</p> <p>1 me of keeping a disturbance among the</p> <p>2 faculty.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. I was totally clueless of what she was</p> <p>5 talking about. And I felt that she was</p> <p>6 using her authority as my administrator</p> <p>7 in having communicated to me, You're</p> <p>8 nontenured and you've had some problems</p> <p>9 in the past, and I did you a favor when</p> <p>10 I hired you. I was uncomfortable with</p> <p>11 that statement.</p> <p>12 <b>Q. Okay. And why were you uncomfortable</b></p> <p>13 <b>with that?</b></p> <p>14 A. I don't find that a normal statement</p> <p>15 that you would say to an individual, You</p> <p>16 had problems in your past teaching</p> <p>17 assignment. Because I knew of none. I</p> <p>18 didn't know of any problems. To</p> <p>19 reiterate that I was nontenured, I was</p> <p>20 currently aware that I was nontenured.</p> <p>21 And to suggest that you did me a favor,</p> <p>22 I was totally uncomfortable with that.</p> <p>23 <b>Q. Okay. Do you know whether she went out</b></p>	<p style="text-align: right;">51</p> <p>1 A. I knew of her.</p> <p>2 <b>Q. Didn't have any kind of family</b></p> <p>3 <b>relationship with her?</b></p> <p>4 A. Not at all.</p> <p>5 <b>Q. Socialize with her or anything like</b></p> <p>6 <b>that?</b></p> <p>7 A. Not at all.</p> <p>8 <b>Q. You've described one conversation that</b></p> <p>9 <b>you felt was inappropriate or made you</b></p> <p>10 <b>feel uncomfortable. Tell us any other</b></p> <p>11 <b>conversations that occurred that were</b></p> <p>12 <b>like that.</b></p> <p>13 A. That was the only conversation that I</p> <p>14 was totally uncomfortable with. Any</p> <p>15 other discussions that we had after that</p> <p>16 had to deal with a student or a</p> <p>17 conference or a field trip or something</p> <p>18 of that nature. There was never</p> <p>19 anything else. That was -- that was</p> <p>20 somewhat of a beginning and an end.</p> <p>21 <b>Q. Okay. So when you talk about not being</b></p> <p>22 <b>comfortable with the authority that</b></p> <p>23 <b>she's exerted over you because of the</b></p>

<p>52</p> <p>1 <b>uncomfortableness you had, you're really</b> 2 <b>talking about that conversation?</b> 3 A. And prior to the demise of that 4 behavior, there were some instances 5 where I was uncomfortable when she 6 stepped -- when she entered my 7 classroom. I'm not accustomed to 8 someone entering my classroom and not 9 speaking, especially after I've spoken 10 to you. I'm uncomfortable when my 11 students speak to you and you don't 12 speak back, and they are then looking at 13 me wondering what is going on. And the 14 students can sense that there is some 15 hostility here. 16 I don't appreciate, and I feel 17 uncomfortable when other teachers are 18 asked to supervise me and to report to 19 the administrator what I'm doing. And I 20 guess out of fear of our friendship, 21 those teachers admitted to me this is 22 what I've been asked to do; I just want 23 to stay out of it. Those were the</p>	<p>54</p> <p>1 <b>guess my question to you is: Do you</b> 2 <b>have an opinion, sitting here today, or</b> 3 <b>a belief about why she began to</b> 4 <b>supervise you or ask other teachers to</b> 5 <b>supervise you? Do you know why?</b> 6 A. In my educational experiences, I've 7 never read that in best practice or in 8 supervisory management. I've never read 9 that as being a practice. 10 <b>Q. So you don't know why she did that?</b> 11 A. No, I don't. 12 <b>Q. Any other teachers?</b> 13 A. Ms. Tonya Stevenson (phonetic). 14 <b>Q. And does she still teach for the school</b> 15 <b>system?</b> 16 A. I'm not sure where Ms. Stevenson is. I 17 want to say she's out of the district as 18 well at this point. 19 <b>Q. Anyone else?</b> 20 A. Those were the only two who admitted to 21 me. There might have been others. I'm 22 not sure. 23 <b>Q. And what did they tell you exactly?</b></p>
<p>53</p> <p>1 things that made me uncomfortable. And 2 I was uncomfortable the entire year, 3 although there were no more direct 4 conferences that would make me -- I 5 would be able to put my finger on it. 6 But those were the scenarios that I was 7 uncomfortable with the entire year. 8 <b>Q. Okay. Fair enough. Well, who were some</b> 9 <b>of the teachers that told you that they</b> 10 <b>were asked to supervise you?</b> 11 A. Mr. Terry Myrick (phonetic). He's no 12 longer in Montgomery County. He's now 13 teaching in Georgia. He taught next 14 door to me, who communicated that 15 Ms. Thompson asked him on several 16 occasions to let her know what was going 17 on in my room. 18 <b>Q. Do you know why she did that?</b> 19 A. Well, I don't think it's best practice. 20 I don't know why she would have done 21 that, but he verbalized to me that she 22 did it. 23 <b>Q. Yeah. And I'm not questioning that. I</b></p>	<p>55</p> <p>1 <b>What had she asked them to do according</b> 2 <b>to them?</b> 3 A. To -- Mr. Myrick's room was right next 4 to my room. 5 <b>Q. Yes, sir.</b> 6 A. She asked him to let her know what was 7 going on in my classroom. Tonya 8 Stevenson's room was at the other end of 9 the building. And she just told me, I 10 think it was around Christmas, that you 11 are my friend, and I don't want you to 12 be upset with me, but you do know 13 Ms. Thompson asked me to let her know 14 what you were doing in your room, which 15 I don't understand, because your room 16 was at the other end of the building. I 17 mean, it was just too -- I mean, you 18 taught second grade. I taught fourth 19 grade. Mr. Myrick taught fifth grade. 20 There was no reason we would even have 21 to collaborate unless we were possibly 22 dealing with some special needs issues 23 or some curriculum issues, which we</p>

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1 didn't do any of that type of planning  
2 that year.  
3 **Q. Did you ever ask Ms. Thompson about this**  
4 **or confront her? Confronting might be a**  
5 **bad word. Did you ask her, Why do you**  
6 **have these folks supervising me? What's**  
7 **the problem?**  
8 A. No, I didn't. I was not in a position  
9 to accost her.  
10 **Q. Anything else from that year that you**  
11 **can tell us about why you had initiated**  
12 **interest in transferring out of there?**  
13 A. Just the uncomfortableness with her --  
14 her demeanor.  
15 **Q. And you, in fact, were transferred that**  
16 **summer. I guess you completed that**  
17 **school year?**  
18 A. Yes. And I did not receive a  
19 nonrenewal.  
20 **Q. Right. And then you were transferred**  
21 **from there to Southlawn?**  
22 A. Middle. Southlawn Middle School.  
23 **Q. Southlawn Middle School. I guess -- is**

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1 **there a Southlawn --**  
2 A. Southlawn Elementary. And there's a  
3 Southlawn Middle.  
4 **Q. Okay. So you went to Southlawn Middle.**  
5 **Was Tina Minott the principal then?**  
6 A. Yes, she was.  
7 **Q. And what was your teaching assignment or**  
8 **post that year?**  
9 A. Middle school science, sixth grade.  
10 **Q. And that was something you were**  
11 **certified to teach?**  
12 A. Yes.  
13 **Q. Okay. Who was the assistant? Was there**  
14 **an assistant principal?**  
15 A. Yes. Ms. Cynthia Tucker (phonetic).  
16 **Q. Okay. Did you have any other -- did you**  
17 **have any other teaching assignments or**  
18 **posts that year?**  
19 A. When you say "post"?  
20 **Q. Yeah. I used that word, because**  
21 **sometimes some of the teachers, I've**  
22 **noticed, call it post, like if you have**  
23 **assignments where you're supposed to**

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1 **have some kind of after school**  
2 **responsibilities?**  
3 A. I was -- I don't even know if we used  
4 the word "advisor." We might have used  
5 the word "advisor" for the dance step  
6 and drill team.  
7 **Q. Okay. But you worked with them whatever**  
8 **the word was?**  
9 A. Yes, whatever the word they used or we  
10 used.  
11 **Q. Is that something that you were**  
12 **compensated for on the top of your**  
13 **salary or that you volunteered to do?**  
14 A. That was a volunteer.  
15 **Q. Okay. Anything else like that that you**  
16 **can think of?**  
17 A. Not that year.  
18 **Q. Did you have any problems with Tina**  
19 **Minott similar to what you'd had with**  
20 **Vera Thompson?**  
21 A. None. Nothing. There were no problems.  
22 **Q. Okay. So you don't feel like that she**  
23 **ever mistreated you in any way?**

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1 A. No, I don't.  
2 **Q. What about with Ms. Tucker?**  
3 A. Oh, no -- no problem at all.  
4 **Q. Okay. And let me go back quickly and**  
5 **ask you about Donnie Terry, who was the**  
6 **administrative assistant at Fitzpatrick.**  
7 A. No problems.  
8 **Q. No problems with him?**  
9 A. No problems.  
10 **Q. Did you ever communicate with him about**  
11 **your problems with Ms. Thompson, or did**  
12 **you just choose not to do that?**  
13 A. It wasn't in the best interest to do  
14 that, and I did not.  
15 **Q. Okay. So as far as having any**  
16 **complaints or anything of that nature,**  
17 **you would not have had any against**  
18 **Ms. Minott or Ms. Tucker?**  
19 A. No.  
20 **Q. Okay. Now, at the end of that year,**  
21 **were you nonrenewed?**  
22 A. At the end of that year, I was  
23 nonrenewed.



<p>60</p> <p>1 <b>Q. Okay. And that summer, did you apply</b> 2 <b>for other jobs with the Montgomery</b> 3 <b>County School System?</b> 4 A. Yes, I did. 5 <b>Q. Okay. Do you know what jobs you applied</b> 6 <b>for?</b> 7 A. I would have to look, be provided 8 documents of what I initially applied 9 for. The first thing I did reapply for 10 was to be reassigned. 11 <b>Q. You wanted to go back there?</b> 12 A. Back there or anywhere in the system. 13 <b>Q. Oh, I see what you're saying. Okay.</b> 14 <b>And if I understand correctly, that did</b> 15 <b>not happen at that time?</b> 16 A. It did not happen. 17 <b>Q. Okay. And I take it that you applied</b> 18 <b>with other school systems?</b> 19 A. I did. 20 <b>Q. Okay. And where did you get a job?</b> 21 A. Bullock County. 22 <b>Q. So that was for the -- keeping up with</b> 23 <b>this, the '02-'03 school year, you were</b></p>	<p>62</p> <p>1 A. I was the only sixth grade reading 2 teacher. 3 <b>Q. And these were -- you've already said</b> 4 <b>this, but just for clarification --</b> 5 <b>these were all the sixth graders; it</b> 6 <b>wasn't a special category or anything</b> 7 <b>like that?</b> 8 A. These were all the sixth graders. 9 <b>Q. You were the reading teacher for the</b> 10 <b>sixth grade?</b> 11 A. Regular education and Special Education. 12 <b>Q. Okay. Who was your principal?</b> 13 A. Mr. Julius Thomas. 14 <b>Q. And who was the vice president?</b> 15 A. Mr. Anderson Graves. 16 <b>Q. Did you have any problems with</b> 17 <b>Mr. Thomas or Mr. Graves?</b> 18 A. No, no problems at all. 19 <b>Q. No complaints or problems with them?</b> 20 A. None. 21 <b>Q. Were you nonrenewed at the end of that</b> 22 <b>year?</b> 23 A. At the end of that year, yes, all</p>
<p>61</p> <p>1 <b>in Bullock County?</b> 2 A. Yes, ma'am. 3 <b>Q. And who was the superintendent that</b> 4 <b>year?</b> 5 A. The superintendent that hired me was 6 Mr. Saint, S-A-I-N-T, T. Thomas. 7 <b>Q. Okay. And what school were you assigned</b> 8 <b>to?</b> 9 A. South Highlands, with an S, Elementary. 10 H-I-G-H-L-A-N-D-S. 11 <b>Q. And what was your teaching assignment?</b> 12 A. That year I taught sixth grade reading, 13 departmentalized. 14 <b>Q. And tell us what you mean by</b> 15 <b>"departmentalized."</b> 16 A. Departmentalized, I taught five sections 17 of sixth grade reading all day, first 18 period, second period, and so on. 19 <b>Q. So you taught reading all day, and the</b> 20 <b>sixth graders came to you in shifts?</b> 21 A. And I taught all of the sixth graders in 22 the school. 23 <b>Q. Okay.</b></p>	<p>63</p> <p>1 nontenured teachers in the entire 2 district were nonrenewed. 3 <b>Q. Did you attempt to get another job with</b> 4 <b>them, with the Bullock County School</b> 5 <b>System after you were nonrenewed?</b> 6 A. I did. In fact, the superintendent 7 promised, You will be back. 8 <b>Q. And why did you not go back?</b> 9 A. I did go back. 10 <b>Q. To Bullock County?</b> 11 A. Yes. 12 <b>Q. Okay. Oh, yeah, I'm sorry.</b> 13 <b>So you were nonrenewed.</b> 14 <b>Everyone across the district was, and</b> 15 <b>then you got reassigned or placed back</b> 16 <b>into the system?</b> 17 A. Same school. 18 <b>Q. Same school, same job?</b> 19 A. Same school. They just -- instead of 20 teaching reading all day, we then went 21 to -- what did we go to? I think we 22 went to a self-contained setting, and I 23 had the same students all day.</p>

<p>64</p> <p>1 <b>Q. For what grade?</b>          2 A. And I taught all subjects. Sixth grade.          3 <b>Q. So you just had a regular sixth-grade</b>          4 <b>class?</b>          5 A. Yes.          6 <b>Q. Okay. And so did you have the same</b>          7 <b>principal and vice principal?</b>          8 A. The same principal. The second year          9 Ms. Harriet (phonetic) -- I can't think          10 of her last name, but we had a female          11 assistant principal.          12 <b>Q. Same question: Did you have any</b>          13 <b>problems with the principal or vice</b>          14 <b>principal in the '03-'04 school year?</b>          15 A. No, I did not.          16 I would -- I didn't finish          17 answering the first question. You asked          18 did I apply to anywhere else after the          19 initial -- the first nonrenewal program          20 from Bullock County.          21 <b>Q. Yes.</b>          22 A. I did. I reapplied to Montgomery County          23 for several positions.</p>	<p>66</p> <p>1 <b>course of that year by Montgomery</b>          2 <b>County, or did you complete the year at</b>          3 <b>Bullock County?</b>          4 A. I returned to Montgomery County, if I'm          5 correct, and I would have to look at the          6 contract to make sure, in October of          7 '04. I returned to Montgomery County.          8 MR. PATTY: '03.          9 A. '03.          10 MR. PATTY: It was October          11 '03.          12 <b>Q. Yeah. And I don't want to trick you,</b>          13 <b>but I don't want to put words in your</b>          14 <b>mouth. But I am really off.</b>          15 A. I would have to look back at the --          16 MRS. CARTER: Let's go off          17 the Record for a          18 second.          19 (Whereupon an off-the-Record          20 discussion was held.)          21 MRS. CARTER: All right. So          22 let's go back on the          23 Record.</p>
<p>65</p> <p>1 <b>Q. So in the summer of '03?</b>          2 A. The summer of '03, the ending of my          3 first full year in Bullock County. To          4 reanswer your first question, I did          5 apply for teaching jobs, and I applied          6 back to Montgomery County.          7 <b>Q. And do you have any specific memory of</b>          8 <b>any particular job, or were you just</b>          9 <b>applying with Montgomery County for any</b>          10 <b>teaching position you were certified?</b>          11 A. I would have to look back at my initial          12 letters of concern or intent. To the          13 best recollection, any job with my          14 certification that would allow me          15 employment, I was seeking those jobs.          16 <b>Q. And that was in the Summer of '03. So</b>          17 <b>you did not get hired by Montgomery</b>          18 <b>public schools that summer?</b>          19 A. Unfortunately not.          20 <b>Q. Okay. So you went back to Bullock</b>          21 <b>County for the '03-'04 school year?</b>          22 A. Yes, I did.          23 <b>Q. Okay. Did you get hired during the</b></p>	<p>67</p> <p>1 BY MRS. CARTER:          2 <b>Q. You were hired in the '03-'04 school</b>          3 <b>year to go back to your same school in</b>          4 <b>Bullock County?</b>          5 A. Yes.          6 <b>Q. To teach a self-contained sixth-grade</b>          7 <b>class?</b>          8 A. Yes.          9 <b>Q. All subjects?</b>          10 A. Yes.          11 <b>Q. But you actually ended up then being</b>          12 <b>hired late in the Montgomery County</b>          13 <b>School System?</b>          14 A. Yes. I was offered an interview for a          15 position, and I returned to Montgomery          16 County.          17 <b>Q. Okay. Was that one of the jobs you had</b>          18 <b>applied for that summer?</b>          19 A. No, it was not. Because the job that I          20 returned to Montgomery County to perform          21 was a reading coach position. I had no          22 knowledge of what a reading coach was,          23 so I never applied for the position</p>



<p>68</p> <p>1 until it was offered to me. I knew 2 nothing about a reading coach position. 3 <b>Q. Okay. And what school were you?</b> 4 A. When I returned to Montgomery County? 5 <b>Q. Uh-huh (affirmative response).</b> 6 A. Daisy Lawrence, alternative at this 7 time. It was now being given the 8 alternative title. 9 <b>Q. And who was your principal?</b> 10 A. Dr. James Owens. 11 <b>Q. Had you spoken directly with Dr. Clinton</b> 12 <b>Carter about coming back to the</b> 13 <b>Montgomery County School System?</b> 14 A. No. Dr. Carter would not talk to me. 15 <b>Q. Had you attempted to talk to Dr. Carter?</b> 16 A. Yes. 17 <b>Q. And what time did you attempt to talk to</b> 18 <b>him when he would not talk to you?</b> 19 A. I would have to go back and look at 20 my -- look at the notes. But a 21 conference was initiated to meet with 22 Dr. Carter, myself, and my mother. And 23 it was communicated that he would not</p>	<p>70</p> <p>1 A. I would maybe have to go back and look 2 at some documentation that I might have 3 provided EEOC to see if a date was in 4 there, when an initial conference -- 5 when we tried to made an initial 6 conference. But I'm also sure that his 7 secretary would be able to go through 8 notes to see when the conference was 9 confirmed, when the call was placed for 10 an initial conference, and when the 11 conference was confirmed, and who it was 12 with. But I never met with Mr. Carter. 13 He would not meet with me. 14 <b>Q. Why were you attempting to conference</b> 15 <b>with Dr. Carter?</b> 16 A. After numerous conversations with 17 Mr. Barker and Ms. Lois Johnson, it was 18 suggested that, Melvin, you might want 19 to apologize to Mr. Carter and see if he 20 will let -- and allow you to be rehired 21 in Montgomery County. Ms. Lois Johnson 22 communicated that to both my mother and 23 myself, as well as Mr. Barker. And</p>
<p>69</p> <p>1 meet with either of us together. He 2 would meet with us separately. 3 <b>Q. Okay. I went through -- I'm not going</b> 4 <b>to promise that I read every word of</b> 5 <b>every sheet of paper, but I tried to go</b> 6 <b>through the documents that your lawyer</b> 7 <b>gave to me to help today go smoother and</b> 8 <b>so that I would know what you had. And</b> 9 <b>I didn't see any kind of notes or</b> 10 <b>anything about conferencing with</b> 11 <b>Dr. Carter. Is that something that you</b> 12 <b>have that you have not provided your</b> 13 <b>lawyer as of yet?</b> 14 A. No. Because I never conferenced with 15 Dr. Carter. 16 <b>Q. Oh, I thought you said you would have to</b> 17 <b>refer to notes regarding when --</b> 18 A. A date. I was going to refer to the 19 notes for a particular date when we 20 initiated a conference. But I never 21 conferenced with Mr. Carter. 22 <b>Q. What would you look at to tell you what</b> 23 <b>date you attempted to talk to him?</b></p>	<p>71</p> <p>1 Mr. Barker reaffirmed that if Dr. Carter 2 says I can hire you, I can have you in a 3 job within an hour or a couple of hours 4 as soon as he says it's okay. It's not 5 me, it's him. 6 <b>Q. Why did you need to apologize to him?</b> 7 <b>What would you be apologizing for?</b> 8 A. I would -- I still don't know. I still 9 don't know. 10 <b>Q. Did it have anything to do with the</b> 11 <b>incident where you were placed on</b> 12 <b>administrative leave due to the</b> 13 <b>interaction with a child while you were</b> 14 <b>at Southlawn Middle School?</b> 15 A. Well, I don't see why I would have to 16 apologize for something I didn't do and 17 I was not found guilty of doing. So, 18 no. I don't know if that was what was 19 intended for me to apologize for. That 20 was never communicated to me by 21 Mr. Barker, that this is an event that 22 you need to apologize for. The only 23 thing that he said, Mr. Barker felt you</p>

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1 might need to say for any embarrassments  
2 or hard feelings that may be between you  
3 and Mr. Carter, you might want to  
4 apologize for that.  
5 **Q. Had you ever -- okay. Who told you**  
6 **that, Jimmy Barker?**  
7 A. Jimmy Barker.  
8 **Q. Okay. And he said you needed to**  
9 **apologize for embarrassment or hard**  
10 **feelings?**  
11 A. Any embarrassments that I might have  
12 caused the school system and any hard  
13 feelings.  
14 **Q. And you didn't say, What embarrassment**  
15 **and hard feelings are you talking about?**  
16 A. At that -- no, I did not. At that  
17 point, if that's what he wanted to hear,  
18 that's what I was going to say.  
19 **Q. Well, when you went in to apologize to**  
20 **him, what were you going to apologize**  
21 **for if you didn't know what it was**  
22 **about?**  
23 A. I was going to apologize for any

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1 misunderstandings or hard feelings or  
2 embarrassments that I may or may not  
3 have caused the school district. That's  
4 provided I would have had an opportunity  
5 to talk with him.  
6 **Q. And I understand you didn't talk to him.**  
7 **I'm just confused about what you were**  
8 **going to apologize for if you say,**  
9 **sitting here today, you don't know what**  
10 **you were supposed to have apologized**  
11 **for?**  
12 A. I'm also confused. I don't know what I  
13 did or didn't do that I needed to  
14 apologize for.  
15 **Q. When did you have these conversations**  
16 **with Jimmy Barker?**  
17 A. Again, I would have to look back at my  
18 notes. But it was during the summer  
19 before returning to Bullock County.  
20 **Q. It was in the Summer of '03. So you get**  
21 **nonrenewed after Southlawn. You apply**  
22 **and get a job in Bullock County. And**  
23 **then after that summer, the Summer of**

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1 **'03 -- or was it the summer right after**  
2 **you got nonrenewed from Southlawn?**  
3 A. The summer after I was nonrenewed from  
4 Southlawn, it was almost I was going in  
5 circles. I would go out on interviews.  
6 Nothing would materialize from that. Or  
7 in one particular instance, I was  
8 interviewed, and I heard the principal  
9 in a conversation with Ms. Carolyn  
10 Hicks. And it was stated, Well, I've  
11 made my decision, but I'll just  
12 interview this person, but I've already  
13 made my decision. And that principal  
14 even told me, I'm not going to hire you,  
15 because you're too educated. I think  
16 your concentrations need to be toward  
17 administration, and I just can't have  
18 you on my faculty. And that was  
19 Mr. Michael Linhart (phonetic), who is  
20 now assistant superintendent of  
21 curriculum instruction, K through six.  
22 **Q. Where was he a principal?**  
23 A. He was principal at E.D. Nixon

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1 Elementary.  
2 **Q. And he said he could not hire you**  
3 **because you were too educated?**  
4 A. He said -- Mr. Linhart's words were in  
5 the area, You're too educated. You're  
6 very intelligent. I think you need to  
7 concentrate on trying to get an  
8 administrative position, because I think  
9 that's where your focus is. But I'm not  
10 going to be able to hire you.  
11 **Q. Anybody else that you interviewed with**  
12 **that summer that you can tell us about?**  
13 A. If I stand corrected, he was the only  
14 one.  
15 **Q. That interviewed you that summer?**  
16 A. That interviewed me. And that was the  
17 day before school was to open. That  
18 summer I had been given the runaround  
19 about receiving interviews, what jobs  
20 were available. I was even told that --  
21 Mr. Barker informed my mother and I that  
22 Ms. Hicks checked with seven principals  
23 and none of them wanted Melvin.

<p style="text-align: right;">76</p> <p>1 <b>Q. Okay. I'm looking at something that you</b> 2 <b>gave to EEOC that said that Mr. Barker</b> 3 <b>informed you that Ms. Hicks said that in</b> 4 <b>the Summer of '03, which would have been</b> 5 <b>after you worked in Bullock County a</b> 6 <b>year. So let's look at the Summer of</b> 7 <b>'02. Can you think of anything</b> 8 <b>else from that -- or do you think --</b> 9 A. The Summer of '02, I could not get an 10 interview. That was after Southlawn, if 11 I stand corrected with these years. I 12 could not get an interview for anything. 13 <b>Q. And what is your testimony today as to</b> 14 <b>why you could not get an interview?</b> 15 A. Well, you have a series of events that 16 cause you to put certain events into a 17 proper perspective. After Southlawn, 18 when I received the nonrenewal, it was a 19 total surprise, because my relationship 20 with Ms. Minott allowed me to know who 21 was receiving nonrenewals. And I was 22 not one of her select persons to receive 23 a nonrenewal. I was, in fact, in her</p>	<p style="text-align: right;">78</p> <p>1 what else am I to think, that the 2 principals initiate -- excuse me -- who 3 you want to return and who you do not 4 want to return. And I clearly knew. We 5 sat down. I clearly knew who was 6 provided -- who was to be given a 7 nonrenewal. Just as I sat with her on 8 numerous occasions and did teacher 9 evaluations, I knew. 10 <b>Q. Okay. So your evidence that that was</b> 11 <b>discriminatory is that Tina Minott, the</b> 12 <b>principal, was not the one who asked for</b> 13 <b>your nonrenewal?</b> 14 MR. PATTY: Object to the 15 form. 16 Go ahead. 17 A. To answer your question, Ms. Minott told 18 me very clearly on several occasions -- 19 <b>Q. Mr. Lowe.</b> 20 A. Yes. 21 <b>Q. I'm not questioning that she told you</b> 22 <b>that. It's your testimony --</b> 23 A. Okay.</p>
<p style="text-align: right;">77</p> <p>1 office, and I was asked to leave because 2 there was a delivery. And my nonrenewal 3 came that day. And she called me in, 4 and she was crying. And she said, 5 Melvin, you know I didn't do this, 6 because you knew who was getting the 7 nonrenewals. She said, And you know I 8 have to give it to you. And it was a 9 nonrenewal. And that was -- I felt that 10 that right there was -- and I'm more 11 positive now than ever before, that was 12 the first notation of some 13 discriminatory practice and possibly 14 retaliation. 15 <b>Q. Okay. So you believe that being</b> 16 <b>nonrenewed in the Spring or Summer of</b> 17 <b>2002, after you left Southlawn, that</b> 18 <b>that was the first act of discrimination</b> 19 <b>against you?</b> 20 A. Yes, I do. And my reason for thinking 21 that and feeling that way, when the 22 principal communicated to me that I did 23 not issue a nonrenewal notice for you,</p>	<p style="text-align: right;">79</p> <p>1 <b>Q. -- and I'm with you.</b> 2 A. Yes. 3 <b>Q. My question is: Is that the evidence</b> 4 <b>that you have that it was discriminatory</b> 5 <b>to nonrenew you at this Spring or Summer</b> 6 <b>of 2002?</b> 7 MR. PATTY: Object to the 8 form. 9 Go ahead. 10 A. That is in a series of events that have 11 lead me to feel that I have been 12 discriminated against and retaliated 13 against. That is in a series. That is 14 among other events. 15 <b>Q. Okay. Well, I thought you said that was</b> 16 <b>the first. Tell me what --</b> 17 A. That was the -- yes, ma'am, I'm sorry. 18 <b>Q. Okay. Hang on. Let me finish my</b> 19 <b>question.</b> 20 A. Yes. Your question? 21 <b>Q. And I'm not trying -- I mean, that's</b> 22 <b>what I need to know, because we're going</b> 23 <b>through some background stuff, and we're</b></p>



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1 really not quite finished doing that.  
2 But obviously, to me, the coconut today  
3 is your claims and what you believe was  
4 discriminatory. And one of the things I  
5 need to try to do is weed out or focus  
6 in on what employment actions that you  
7 are saying were discriminatory or  
8 retaliatory against you.  
9 And my question is, first of  
10 all: Am I clear that you believe that  
11 being nonrenewed that year was an act of  
12 discrimination and/or retaliation  
13 against you?  
14 A. Yes, I do.  
15 Q. And was that the first time that you  
16 believe that you had been discriminated  
17 against or retaliated against?  
18 A. That is one of the first events. That  
19 is the first event that I can almost  
20 without a shadow of a doubt say yes,  
21 this was direct discrimination and  
22 retaliation. As far as being the first,  
23 that is the first in a series.

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1 Q. Right. And we'll get to that. And  
2 maybe I should ask the question a  
3 different way: You worked for them the  
4 first year at Daisy Lawrence?  
5 A. Yes.  
6 Q. Was there anything that occurred that  
7 year or your nonrenewal at the end of  
8 that year that you maintain here today  
9 was retaliatory or discriminatory?  
10 A. No, I do not. In fact, Ms. Johnson  
11 clearly communicated to me, We are --  
12 and this is public record --  
13 restructuring Daisy Lawrence, and all of  
14 the nontenured teachers are being  
15 terminated, pink-slipped.  
16 MR. PATTY: Liz, when we get  
17 to a good point, it's  
18 been an hour and five  
19 minutes, so let's take  
20 a break.  
21 MRS. CARTER: Okay. Let me  
22 kind of get though  
23 this --

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1 MR. PATTY: Sure.  
2 MRS. CARTER: -- so I don't  
3 get confused about it.  
4 MR. PATTY: Right.  
5 BY MRS. CARTER:  
6 Q. Okay. And so the answer is no, there  
7 was no discrimination or retaliation  
8 that you're aware of that occurred at  
9 the end of that first year that you  
10 taught?  
11 A. No, there was not.  
12 Q. Okay. So then you teach the next year  
13 at Fitzpatrick. Do you believe that  
14 anything that occurred to you during the  
15 course of that year was discriminatory  
16 or retaliatory towards you?  
17 A. To answer that, I did not get a pink  
18 slip.  
19 Q. Okay. Anything else that you'd like to  
20 tell us about today that you believe was  
21 retaliatory or discriminatory against  
22 you in regards to your job at  
23 Fitzpatrick?

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1 A. To answer that again, my only sole  
2 purpose at that time was to teach. I  
3 did not get -- Ms. Thompson did not  
4 issue me a pink slip.  
5 Q. So the answer is no, there's --  
6 A. So no, I was free and clear that year.  
7 Q. And then you get transferred to  
8 Southlawn, and you work with Tina  
9 Minott. I think you've testified you  
10 had a good year there?  
11 A. Yes.  
12 Q. But at the end of that year, you were  
13 nonrenewed?  
14 A. Yes, I was.  
15 Q. And Ms. Minott represented to you that  
16 that was not her doing?  
17 A. Exactly.  
18 Q. And based on that, you felt like  
19 something was wrong or that something --  
20 I don't know what your testimony was,  
21 but that that wasn't normal, that she  
22 didn't request your nonrenewal, but that  
23 you were yet nonrenewed, correct?

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1 A. Yes.

2 **Q. And so it's your testimony that you feel**

3 **like that was an act of discrimination**

4 **or retaliation when you were nonrenewed**

5 **in the Spring of 2002?**

6 A. It was both discrimination and

7 retaliation.

8 **Q. Okay. And what type of discrimination**

9 **against you was it?**

10 A. When you --

11 MR. PATTY: Object to the

12 form.

13 But go ahead.

14 A. Look at best practice. And the

15 authorities there are provided, the

16 administrators in Montgomery County as

17 with other districts, but we're talking

18 about Montgomery County. If the

19 principal did not order the nonrenewal,

20 is this normal practice for whatever

21 reasons, nonrenewals are given without

22 the sanctions of the administrator.

23 **Q. Okay. And I think that I understand**

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1 **your testimony, that you did not find**

2 **that to be best practice or normal**

3 **practice. How is that discriminatory**

4 **against you? How is that discrimination**

5 **against you?**

6 A. Do you do this with all of your

7 employees?

8 **Q. I know. What form of discrimination was**

9 **it?**

10 A. Well --

11 MR. PATTY: Object to the

12 form.

13 Go ahead.

14 A. You didn't do it to all of the other

15 nontenured black male teachers at

16 Southlawn or at large in the district.

17 **Q. So do you believe it was race**

18 **discrimination and sex discrimination**

19 **based on your race and your sex?**

20 A. Yes.

21 **Q. Were there other black male nontenured**

22 **employees in the district who were not**

23 **treated like that?**

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1 A. Yes, there were. In fact, there was one

2 that I taught next door to who was a

3 nontenured, African-American --

4 Afro-American male, who the

5 administrator did not request a

6 termination for. And he did not get

7 one. Mr. Pedro Lewis (phonetic).

8 Taught the same subject, same grade that

9 I taught, different subject. Less years

10 of experience and less education than I.

11 **Q. So you were treated differently than**

12 **somebody who was just like you as far as**

13 **your race and your sex?**

14 A. Yes.

15 **Q. What about retaliation? What type of**

16 **retaliation are you talking about?**

17 A. Retaliation can take on a number of

18 hats. Some of the retaliation I denoted

19 was my position with Mr. Barker, my

20 position with Clinton Carter. And you

21 did not mention, but I have to give you

22 the background for the foreground, there

23 was an incident that took place at

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1 Southlawn. I was -- I don't want to use

2 the word "victorious," but I was

3 successful in proving my innocence. I

4 did not voice the opinion that

5 Mr. Barker positioned me nor the school

6 board investigator or the indirect

7 position of Mr. Carter. Because I did

8 not do that, I am denoting that all of

9 those factors played into the

10 retaliation of me being given a

11 nonrenewal outside the sanctions of the

12 principal at the end of that year.

13 **Q. Because you felt like that because --**

14 **that you had been successful over them**

15 **in some type of investigation regarding**

16 **allegations of misconduct against you?**

17 A. And some allegations with a particular

18 student, yes.

19 **Q. That a student made against you?**

20 A. Yes, that a student made against me.

21 **Q. And you felt like they were retaliating**

22 **against you because of that?**

23 A. Well, they didn't do this with

<p>88</p> <p>1 everybody. All of the other teachers 2 who were nontenured, including the ones 3 that were on faculty who were of male 4 gender and of Afro-American dissent, 5 this did not take place with them. 6 <b>Q. At that point in your career, had you 7 ever made a complaint of race 8 discrimination or sex discrimination to 9 the school system?</b> 10 A. No, I had not. 11 <b>Q. Had you ever gone to the EEOC and made 12 the kind of complaint at that point in 13 your career, in the Spring of 2000? I'm 14 saying spring. I guess by then it was 15 Summer of 2000.</b> 16 A. No. No, I did not. 17 <b>Q. Okay.</b> 18 MRS. CARTER: All right. 19 Let's -- if you want to 20 stop now, that's fine. 21 (Whereupon a brief recess 22 was taken.) 23</p>	<p>90</p> <p>1 reading coach, which was a position he 2 had available. That was the reason I 3 was allowed to leave Bullock County, 4 because I was returning as a reading 5 coach. And that is the job that I 6 performed. 7 <b>Q. How do you know what Dr. Owens told 8 central office?</b> 9 A. I was present when he communicated to 10 Ms. Hicks. 11 <b>Q. By phone?</b> 12 A. By phone. By speakerphone. 13 <b>Q. Let me show you what we'll mark as 14 Defense Exhibit 1. And it's titled 15 Montgomery Public Schools Personnel 16 Change Form. I'm going to put this 17 where there's -- it's kind of blurred 18 where that's been filled in there. And 19 this looks to be the personnel action 20 sheet they fill out when they get a hire 21 or they have them for nonrenewals or 22 when they're transferred. Are you 23 familiar with that document?</b></p>
<p>89</p> <p>1 BY MRS. CARTER: 2 <b>Q. We got a little off track talking about 3 the claims. Let's back up for a second, 4 if you don't mind, Mr. Lowe, and finish 5 your history. Because you came -- you 6 went to Bullock -- you started Bullock 7 County, but we finally figured out that 8 you came back to Montgomery County in 9 October of 2003, went to Daisy Lawrence 10 Alternative School where Dr. Owens was 11 the principal?</b> 12 A. Yes, we did stop there. 13 <b>Q. So you taught the '03-'04 school year as 14 a teacher at Daisy Lawrence?</b> 15 A. I did not teach. 16 <b>Q. Okay. What did you do?</b> 17 A. I was the reading coach. 18 <b>Q. Reading coach. Okay. Why do you say 19 that you were a reading coach as opposed 20 to a teacher?</b> 21 A. Dr. Owens interviewed me for a reading 22 coach position. He informed central 23 office that he wanted to hire me as the</p>	<p>91</p> <p>1 (Whereupon Defendants' 2 Exhibit No. 1 was marked 3 for identification and 4 attached hereto.) 5 (Witness reviewed document.) 6 A. I've heard of such, but I've never seen 7 it. Well, when I say I've never seen 8 it, I saw it in the documents that 9 Attorney Patty received. I was never 10 informed that any such was being done. 11 And, of course, a correction, because 12 I'm not a female. But I've never seen 13 this. 14 <b>Q. Okay. I'm going to show you what I'll 15 staple as two documents and label as 16 Defense Exhibit 2, which is the Specific 17 Letter of Appointment dated in October, 18 and it says for re-hire. And then 19 you'll see on the second letter, and 20 I'll hand this to you in a second, where 21 it says Re-hire Correction Letter. And 22 it looks like to me they were correcting 23 that this first one inadvertently said</b></p>



<p>92</p> <p>1 you were part-time. When you came back</p> <p>2 in October of 2003, you were a</p> <p>3 full-time?</p> <p>4 A. I brought that to their attention.</p> <p>5 Q. Okay. And then, I guess they corrected</p> <p>6 that then; is that right?</p> <p>7 A. Let me look at this.</p> <p>8 Q. Yeah, just take a look at those two</p> <p>9 letters.</p> <p>10 (Whereupon Defendants'</p> <p>11 Exhibit No. 2 was marked</p> <p>12 for identification and</p> <p>13 attached hereto.)</p> <p>14 (Witness reviewed</p> <p>15 documents.)</p> <p>16 A. This is. Because I remember I brought</p> <p>17 it to their attention that I was not</p> <p>18 part-time, that I was full-time. I</p> <p>19 still reiterated that I am a reading</p> <p>20 coach and not a teacher.</p> <p>21 Q. But both of those letters have you</p> <p>22 positioned as a teacher?</p> <p>23 A. Uh-huh (affirmative response).</p>	<p>94</p> <p>1 you're looking at now?</p> <p>2 A. Re-ask your question.</p> <p>3 Q. That these documents do not reflect that</p> <p>4 you were hired that year as a reading</p> <p>5 coach?</p> <p>6 A. No, they do not reflect that.</p> <p>7 Q. Okay. At the end of the 2003-2004</p> <p>8 school year, were you nonrenewed?</p> <p>9 A. Yes, I was.</p> <p>10 And may I go back to</p> <p>11 re-answer -- to finish answering your</p> <p>12 question about the documents reflecting</p> <p>13 me being employed as a reading coach?</p> <p>14 They reflect that because they were --</p> <p>15 when I say "they were," it was advised</p> <p>16 that they reflect this. As opposed to</p> <p>17 stating reading coach for the job that I</p> <p>18 did, it was advised that the reason</p> <p>19 those letters state teacher --</p> <p>20 Q. It says teaching position.</p> <p>21 A. Teaching position.</p> <p>22 Q. Yes, sir.</p> <p>23 A. Mr. Carter advised Mr. Barker, because</p>
<p>93</p> <p>1 Q. Do you maintain that there would be a</p> <p>2 salary difference if you had been a</p> <p>3 reading coach?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. And what's the difference in that</p> <p>6 salary?</p> <p>7 A. There's an extra month of employment</p> <p>8 that reflects a different salary. The</p> <p>9 jobs for reading coaches are advertised</p> <p>10 as ten-month positions, as with teacher</p> <p>11 positions are advertised as nine-month</p> <p>12 positions. There is clearly a salary</p> <p>13 differentiation in work terms.</p> <p>14 Q. Because it's a ten-month contract?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. But you would agree with me that</p> <p>17 the documents which are reflected in</p> <p>18 your personnel file regarding what your</p> <p>19 job assignment was, do not reflect that</p> <p>20 it was a reading coach position?</p> <p>21 MR. PATTY: Object to the</p> <p>22 form.</p> <p>23 Q. Or the two -- the three documents that</p>	<p>95</p> <p>1 Mr. Barker told me, that you will only</p> <p>2 be -- Mr. Carter said, You will only be</p> <p>3 a teacher in this school district. And</p> <p>4 I think I have that in some of the EEOC</p> <p>5 documents.</p> <p>6 Q. Well, we're going to go through that.</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Mr. Barker told you that Dr. Carter</p> <p>9 said, You will only be a teacher in this</p> <p>10 school system?</p> <p>11 A. In this school district. This was after</p> <p>12 Mr. Barker assured me and my mother that</p> <p>13 I can get you -- I can get you hired as</p> <p>14 soon as Dr. Carter -- Mr. Carter says</p> <p>15 it's okay. I can get you hired in an</p> <p>16 hour or a couple of hours. And he was</p> <p>17 the -- Mr. Barker, was the person who</p> <p>18 positioned me with, I can get you in a</p> <p>19 reading coach job. I didn't know what a</p> <p>20 reading coach job was, but it was a job.</p> <p>21 And then the next thing after</p> <p>22 Dr. Owens offered me the job,</p> <p>23 interviewed me, as he interviewed, I</p>

<p>96</p> <p>1 think, three other woman for the same 2 position for reading coach, until I got 3 to central office, they're telling me, 4 Oh, no, it was a mistake. You are not 5 going -- it's a teaching position. 6 When I again questioned 7 Mr. Barker, I said, This is not what 8 Dr. Owens interviewed me for. This is 9 not the agreement that you had with the 10 superintendents in Bullock County for 11 releasing me. Well, Melvin, it's just 12 simple, Mr. Carter says you're only 13 going to be a teacher in this school 14 district. 15 So that is the reason the 16 contracts and the appointment letters 17 have teacher on it. That is the reason 18 the contract that Mr. Barker -- I'm 19 probably sure you have -- that I had to 20 sign has teacher or tutor-teacher on it, 21 because that was the ulterior motive 22 that manifested once after I was advised 23 to resign, and we're going to hire you,</p>	<p>98</p> <p>1 status. The ten-month reading coach job 2 was of that caliber. 3 And it was communicated 4 between Mr. Barker and Mr. Lee Arthur 5 Ballard, who was, and still is, the 6 Assistant Superintendent in Bullock 7 County, as with the Superintendent in 8 Bullock County, along with Attorney 9 Theron Stokes, who was present and -- 10 give me a second. He's now one of the 11 new UniService directors. I'm trying to 12 think of his name right now. He's 13 UniService director -- 14 <b>Q. I don't know who you're talking about.</b> 15 A. -- or works with Ms. Ann Sippial. The 16 new one, Darrell -- 17 <b>Q. I know his name and can't call it.</b> 18 MR. PATTY: Darrell 19 Singfield. 20 A. Darrell Singfield (phonetic). All of 21 those, they were there when I resigned. 22 They knew the reason I was resigning. 23 They knew into --</p>
<p>97</p> <p>1 and the superintendents agree on what 2 the title was. 3 And when I got here to 4 Montgomery County, there was a big 5 cross-up. And my back was against the 6 wall, because I didn't have a job. I 7 did what I was told to do by the 8 authorities who make those decisions, 9 and I didn't have a job. 10 <b>Q. So if you had only had a teaching -- if</b> 11 <b>you had known it was just a teaching</b> 12 <b>job, would you not have left Bullock</b> 13 <b>County?</b> 14 A. I would have remained in Bullock County, 15 because I would have been doing the same 16 thing. And if it were a teaching job, 17 according to Alabama law, after the 18 first forty-five days of your contract 19 beginning, at the beginning of your 20 contract, you can only be released from 21 that contract if the superintendent 22 allows it, because you are being 23 promoted or going to a job of higher</p>	<p>99</p> <p>1 <b>Q. So is it your testimony, Mr. Lowe, that</b> 2 <b>that was all a trick for you, and that</b> 3 <b>we did all of that and went and got you</b> 4 <b>the job back in Montgomery? And then</b> 5 <b>after getting you here, that we</b> 6 <b>committed some kind of fraud or</b> 7 <b>something about that?</b> 8 A. I don't know if it was a trick, but the 9 evidence shows that when I returned to 10 Montgomery County, what was 11 communicated -- the job I interviewed 12 for, the job that I was offered, the job 13 that central office knew that Dr. Owens 14 had offered me, the job that Mr. Barker 15 communicated to Bullock County that 16 Mr. Lowe would be coming back to, none 17 of that materialized when I got back to 18 Montgomery County. So I don't know if 19 you want to call it trickery or what you 20 want to call it, but my contract did not 21 reflect reading coach. 22 <b>Q. Why did the Montgomery County School</b> 23 <b>System bring you back after the school</b></p>



<p style="text-align: right;">100</p> <p>1 <b>year had started? Were you still trying</b>                  2 <b>to get a job here?</b>                  3 A. Yes.                  4 <b>Q. And you wanted to come back to this</b>                  5 <b>school system?</b>                  6 A. Yes, I did. Because this is where I                  7 live, and I pay my taxes in Montgomery                  8 County.                  9 <b>Q. Did you ever have any communication with</b>                  10 <b>Dr. Carter when you asked for him to</b>                  11 <b>give you a second chance and let you</b>                  12 <b>come back here?</b>                  13 A. I never asked Mr. Carter to give me a                  14 second chance, because I never had the                  15 opportunity to talk to him.                  16 <b>Q. So you've never had any kind of</b>                  17 <b>conversations with Dr. Carter?</b>                  18 A. I can testify today I've never had any                  19 conversations with Mr. Carter or                  20 acknowledgments, other than in church                  21 I'll say hi. I never met with, spoke                  22 with, communicated verbally, written                  23 communications with Mr. -- Dr. Clinton</p>	<p style="text-align: right;">102</p> <p>1 <b>County for a year?</b>                  2 A. It was during the summer. I'd have to                  3 look back and see. I don't mean to get                  4 rough with you. I need to see what the                  5 dates --                  6 <b>Q. I don't think you're being rough.</b>                  7 A. -- you know, because the dates are kind                  8 of running back to back.                  9 <b>Q. Okay. We'll go -- because your --</b>                  10 A. But it was before I came back to                  11 Montgomery County.                  12 <b>Q. Okay.</b>                  13 A. It was that summer before. Right                  14 before --                  15 <b>Q. And that was in '03, I believe. That's</b>                  16 <b>why I'm suggesting.</b>                  17 A. Yes. Yes, I'm thinking it is.                  18 <b>Q. Okay. All right. So according to Lois</b>                  19 <b>Johnson and Jimmy Barker, and you don't</b>                  20 <b>remember the exact dates, but it would</b>                  21 <b>have been that summer, you were kind of</b>                  22 <b>being told, the issues with Dr. Carter,</b>                  23 <b>you've got to make amends with</b></p>
<p style="text-align: right;">101</p> <p>1 Carter.                  2 <b>Q. Did your mother ever speak to him on</b>                  3 <b>your behalf?</b>                  4 A. Yes, she did.                  5 <b>Q. Okay. And did your mother ask him to</b>                  6 <b>give you a second chance after you had</b>                  7 <b>been nonrenewed, after Southlawn?</b>                  8 A. My mother asked Mr. Carter to consider                  9 allowing me to be rehired. The second                  10 chance, she never communicated a second                  11 chance. Because a second chance for                  12 what? But to allow me to be rehired.                  13 Because Mr. Barker and Ms. Lois Johnson                  14 indicated that it was all up to                  15 Mr. Carter. And Mr. Barker said that if                  16 he lets up, Melvin, I can do it. But if                  17 he doesn't, you know, I don't know. You                  18 know, I don't know why he doesn't like                  19 you, but if he says I can hire you, I                  20 can hire you.                  21 <b>Q. And the conversation you're talking</b>                  22 <b>about would have happened in the Summer</b>                  23 <b>of '03 after you taught in Bullock</b></p>	<p style="text-align: right;">103</p> <p>1 <b>Dr. Carter. And at some point during</b>                  2 <b>that time, isn't it true that your</b>                  3 <b>mother went to speak to Dr. Carter on</b>                  4 <b>your behalf, and you weren't present for</b>                  5 <b>that meeting?</b>                  6 A. Yes, ma'am, that is true. She went to                  7 speak with him. Because he said that he                  8 would not speak with us together, so                  9 therefore, my mother elected to go. A                  10 second conference was never extended                  11 towards me, because Mr. Carter stated                  12 that he would call Mr. Barker and tell                  13 Mr. Barker to see what he could do.                  14 <b>Q. After your mother spoke with</b>                  15 <b>Dr. Carter --</b>                  16 A. After, yes, ma'am.                  17 <b>Q. -- he was going to talk to Mr. Barker</b>                  18 <b>and see what he could do?</b>                  19 A. Mr. Carter, after conversing with my                  20 mother, said that he would call                  21 Mr. Barker and tell Mr. Barker to see                  22 what he could do.                  23 <b>Q. Meaning placing you in a job somewhere?</b></p>

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1 A. Hopefully, that's what it meant, yes.  
2 **Q. I mean, isn't it fair to say then, when**  
3 **your mother left that meeting, that**  
4 **Dr. Carter basically said, I'm going to**  
5 **try to work something out for him?**  
6 A. We were under the assumption that those  
7 were his intentions.  
8 **Q. And they did? And that is the fall that**  
9 **you came back to Montgomery public**  
10 **schools? Aside from what you believed**  
11 **your job should have been or whatever,**  
12 **that's the fall that you got brought**  
13 **back as an employee into the school**  
14 **system?**  
15 A. I will not say that it was an immediate  
16 action, because after that initial  
17 conference, I still had not received any  
18 interviews. I only received one  
19 interview, which was with Mr. Michael  
20 Linhart the day before school was to  
21 open.  
22 **Q. And you've told us what he said.**  
23 A. So there was -- I mean, as far as you

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1 would think, if he said I'm going to  
2 call Mr. Barker, and Mr. Barker having  
3 already promised me and my mother I can  
4 do it within an hour or a couple of  
5 hours, I can get you somewhere. And  
6 Mr. Barker was the person who made  
7 mention of a reading coach position.  
8 Mr. Barker never mentioned a teaching  
9 position until I returned to Montgomery  
10 County in October.  
11 When I questioned him why are  
12 you telling me I have to accept this  
13 tutor-teacher, teacher-tutor, reading  
14 teacher position, when you first  
15 mentioned to me a reading coach  
16 position. And that was during the  
17 summer.  
18 And then we went August,  
19 September, and October. I didn't hear  
20 from any of you-all, and you-all did not  
21 hear from me. Then when Dr. Owens  
22 interviews me for a reading coach  
23 position, after interviewing four women

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1 before me, and he calls Ms. Hicks, and  
2 says, Ms. Hicks, I want Melvin Lowe as  
3 my reading coach. Mr. -- Dr. Owens  
4 advised me, Go ahead and resign from  
5 Bullock County. I placed my  
6 resignation. Before my resignation was  
7 accepted, the superintendents, both  
8 Mr. Keith Stewart and Mr. Lee Ballard,  
9 both talked with Mr. Barker repeatedly,  
10 more than once, to assure that I was  
11 returning as a reading coach, which is  
12 clarified by posted announcements as a  
13 ten-month position, which the salary is  
14 different from a nine-month teaching  
15 position. Mr. Barker confirmed this.  
16 Dr. Carter asked Mr. Barker, go back and  
17 make sure he did not have any problems  
18 in Bullock County. Because Mr. Lee  
19 Arthur Ballard communicated with my  
20 mother and I. He said, Hold on, I  
21 have -- Barker is on this line. Hold on  
22 and let me get finished with him.  
23 Clicked back over. I just told him that

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1 Carter wanted to know were there any  
2 problems. Melvin, they're still trying  
3 not to hire you, but Barker knows that  
4 the only reason we're releasing you  
5 after the first forty-five days is  
6 because this is a promotion for you.  
7 This is the only reason, because now we  
8 have to apply to the state department  
9 for additional funds to fund another  
10 teaching unit, because your salary has  
11 already started.  
12 **Q. Well, you didn't keep getting paid by**  
13 **Bullock County, did you?**  
14 A. No. But the -- I'm sorry.  
15 **Q. That's okay.**  
16 A. When you said I didn't get -- I wasn't  
17 continuously paid by Bullock County, no,  
18 I wasn't. The funds stopped at the end  
19 of that particular pay period and the  
20 days that had exasperated by my  
21 working -- but because the funds had  
22 been allocated by the state for a  
23 particular teacher unit, to bring

<p style="text-align: right;">108</p> <p>1 another teacher in after the first 2 forty-five days, special permission has 3 to be approved from the state 4 department. That is the reason the 5 superintendents had to really make sure 6 that we know the reason we're releasing 7 him. Because then other teachers would 8 want to leave their contract to go to 9 another county during the school year 10 after the first forty-five days, which 11 is not the practice of school districts. 12 It's only when a job is presented as a 13 promotion. 14 <b>Q. You've told us about that summer and</b> 15 <b>having conversations with Lois Johnson</b> 16 <b>and Jimmy Barker, and I guess words to</b> 17 <b>the effect of, You need to apologize to</b> 18 <b>Dr. Carter or made amends with</b> 19 <b>Dr. Carter. And you've said -- I think</b> 20 <b>I've understood your testimony to be</b> 21 <b>that you don't know what they were</b> 22 <b>talking about? Yes or no?</b> 23 <b>A. Yes and no. I understood what they were</b></p>	<p style="text-align: right;">110</p> <p>1 want to hire you; they won't let me hire 2 you. I could clearly see that it was 3 retaliation. 4 And it was also some 5 retaliation because years past my mother 6 had -- she filed an EEOC complaint 7 through AEA. AEA litigated some 8 complaints she had towards employment 9 discrimination with the same school 10 district while Mr. Carter, at that time, 11 I think was the associate 12 superintendent. All of these were 13 factors that caused me to think and 14 still feel very strongly that this is 15 some retaliation. 16 And then this has been 17 communicated to me since then, which 18 further validates your premise was not 19 invalid; it was very valid. Because 20 there have been several individuals 21 since that will state when they look at 22 you, they see your mother. That's why 23 people don't want to hire him, and</p>
<p style="text-align: right;">109</p> <p>1 saying. They wanted me to apologize. 2 But as far as understanding for what? 3 <b>Q. Yes. That's what I mean.</b> 4 <b>A. Okay. Yes, ma'am. I wanted to make --</b> 5 <b>you know, to have it clear. For what,</b> 6 <b>Lois Johnson could never give me -- she</b> 7 <b>didn't even try to say you need to</b> 8 <b>apologize for stepping on his toes.</b> 9 <b>Mr. Barker never said you need to</b> 10 <b>apologize for spilling your Coke in his</b> 11 <b>lap. You just need to apologize, you</b> 12 <b>know, just for any embarrassment or any</b> 13 <b>hard feelings that you may have caused</b> 14 <b>the school district or between you and</b> 15 <b>him.</b> 16 <b>Q. Did you ever for any period of time</b> 17 <b>believe that your problem with</b> 18 <b>Dr. Carter was the issues you had had at</b> 19 <b>Southlawn with the student complaint?</b> 20 <b>A. Yes, I did. After the pink slip</b> 21 <b>notification was issued to me, and</b> 22 <b>Ms. Minott was not allowed to rehire me</b> 23 <b>that particular year after she stated, I</b></p>	<p style="text-align: right;">111</p> <p>1 that's the problem Melvin is having. 2 So, yes. Yes, I do. 3 <b>Q. Okay. So when you were nonrenewed and</b> 4 <b>you were not hired back and you went to</b> 5 <b>Bullock County that year, and then we</b> 6 <b>get into the next summer about the</b> 7 <b>conversations that went on with the</b> 8 <b>superintendent, between your mother, or</b> 9 <b>your conversation with Barker and</b> 10 <b>Johnson, it's your testimony that all of</b> 11 <b>that happened, in part, because of the</b> 12 <b>complaint against you at Southlawn, but</b> 13 <b>also, in part, because of your mother</b> 14 <b>suings the school board in the past?</b> 15 <b>MR. PATTY: Object to the</b> 16 <b>form.</b> 17 <b>Go ahead and</b> 18 <b>answer.</b> 19 <b>A. Yes and no. Yes, out of retaliation</b> 20 <b>because Mother filed a grievance against</b> 21 <b>the school board in years past. Not for</b> 22 <b>what happened at Southlawn, because what</b> 23 <b>happened at Southlawn, I was vindicated.</b></p>



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1 I was not found guilty. I was targeted  
2 because of my disposition that I took  
3 with Mr. Barker, one of the  
4 investigators, one of the lawyers that I  
5 had at that time. And Mr. Carter did  
6 not agree with my position. I did not  
7 admit to doing what I knew I did not do.  
8 **Q. Well, that's what I meant, just**  
9 **something to do with that complaint?**  
10 A. Yes.  
11 **Q. I didn't mean that --**  
12 A. Yes. But I just wanted to be able to  
13 elaborate and lay everything for you.  
14 **Q. Well, what evidence do you have that**  
15 **being nonrenewed at Southlawn, and then**  
16 **these issues about being hired back**  
17 **later, what evidence do you have that**  
18 **that had anything to do with your**  
19 **mother?**  
20 MR. PATTY: Object to the  
21 form.  
22 Go ahead and  
23 answer.

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1 A. It has been -- it has been communicated  
2 to me on more than one occasion.  
3 Dr. Owens communicated to me once that  
4 the problems you're having in lieu of  
5 this lawsuit, prior to the lawsuit, you  
6 know, they don't like your mother. You  
7 know, your mother filed her grievances.  
8 Ms. Lois Johnson has communicated this  
9 more than once. And my mother walked in  
10 on a conversation that Mr. Barker was  
11 having with a particular individual, and  
12 I was the topic, that his problem is  
13 he's just like her, and his reputation  
14 supersedes him. People know what he's  
15 going to do and what he's going to say  
16 before he gets there. He's just like  
17 her. And she walked in on this  
18 conversation.  
19 **Q. How do you know that Jimmy Barker saying**  
20 **that you're just like your mother had**  
21 **anything to do with her filing a**  
22 **lawsuit? What if it had to do with**  
23 **other characteristics or personality**

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1 **traits about you?**  
2 A. Repeat that question.  
3 **Q. How do you know that his comment, that**  
4 **you're just like your momma, had**  
5 **anything to do with her filing a lawsuit**  
6 **as opposed to you just being like your**  
7 **mother in other ways, good, bad, or**  
8 **ugly, whether it be work habits,**  
9 **personality traits? I mean, how did she**  
10 **know what he was talking about?**  
11 A. Well, when you look at the issues before  
12 us, if it wasn't an issue, why did he  
13 even bring it up? Why would he and  
14 others constantly communicate it? If it  
15 was just a situation or a circumstance  
16 or just a passing incident, why do you  
17 keep making a mention of it? Why are  
18 you equating the problems that I'm  
19 having to a past situation that Mother  
20 experienced? Why is that a constant  
21 correlation?  
22 **Q. Well, was Jimmy Barker talking about a**  
23 **past situation or experience that she**

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1 **had, or was he just talking about your**  
2 **mother?**  
3 A. No. He was talking about her and a past  
4 situation.  
5 **Q. All right. What did he say? Because**  
6 **that wasn't your testimony. So tell me**  
7 **what he said about a past situation.**  
8 A. He said that the problems that Melvin is  
9 having is that he is just like his  
10 mother. His personality and the  
11 reputation supersedes him. He's just  
12 like her. When people see him, they see  
13 her.  
14 **Q. Okay. Anything else that he said, that**  
15 **she walked in on, that you believe is**  
16 **evidence in regards to retaliation for**  
17 **her prior activity?**  
18 MR. PATTY: Object to the  
19 form.  
20 You can go ahead  
21 and answer.  
22 A. Seemingly, to me, that would be enough.  
23 I mean, this is just not an everyday

<p style="text-align: right;">116</p> <p>1 conversation.</p> <p>2 <b>Q. And I appreciate your opinion about</b></p> <p>3 <b>that.</b></p> <p>4 A. Okay. I understand.</p> <p>5 <b>Q. But I'm here to get all of the</b></p> <p>6 <b>information you've got.</b></p> <p>7 A. Yes, ma'am. Yes, ma'am.</p> <p>8 <b>Q. So I need to know anything else that he</b></p> <p>9 <b>has said during that conversation that</b></p> <p>10 <b>she walked in on or any other time --</b></p> <p>11 A. Okay.</p> <p>12 <b>Q. -- that you believe Jimmy Barker has</b></p> <p>13 <b>said something to you, or he has said</b></p> <p>14 <b>something to somebody else that was</b></p> <p>15 <b>later related to you --</b></p> <p>16 A. Yes, I can.</p> <p>17 <b>Q. -- that he commented on your mother.</b></p> <p>18 A. Yes. Dr. Owens -- and I do have that</p> <p>19 documented -- informed me, because I</p> <p>20 even provided it to Dr. Purcell, the</p> <p>21 conversation that Dr. Owens had with me,</p> <p>22 and he told me, he said, Melvin, I'm</p> <p>23 having to defend you. I'm having to</p>	<p style="text-align: right;">118</p> <p>1 be gone, Carter is already gone, and</p> <p>2 this new Dr. Purcell won't be here.</p> <p>3 Because, Brother Lowe, you know, you and</p> <p>4 your momma, they're not going to let up</p> <p>5 on you.</p> <p>6 Now, this was communicated to</p> <p>7 me my last year at Daisy Lawrence by</p> <p>8 Dr. Owens. And I was very offended.</p> <p>9 And I felt that there are some more</p> <p>10 retaliations that are going to occur</p> <p>11 from this, and I almost begged for help.</p> <p>12 And I put it to Dr. Purcell's attention,</p> <p>13 you know, that this is more than, you</p> <p>14 know, too much to say to someone</p> <p>15 repeatedly. This is after Lois Johnson</p> <p>16 had said at least twice, you know,</p> <p>17 Melvin's problem, Mary, is you. Every</p> <p>18 time they look at him, they see you and</p> <p>19 all that you've done in the past. You</p> <p>20 know, that registers. You know how</p> <p>21 Carter feels about you, Mary. Melvin is</p> <p>22 just like you. And I'm not saying it's</p> <p>23 right or wrong, but Mary, I'm just</p>
<p style="text-align: right;">117</p> <p>1 defend hiring you the first time. I'm</p> <p>2 having to defend you being here every</p> <p>3 day. And I said, To who? Who have I</p> <p>4 killed, murdered, molested, or raped?</p> <p>5 What have I done? You know, Jimmy</p> <p>6 Barker, they don't like you. He's</p> <p>7 always talking about your situation with</p> <p>8 your mother. You're just like your</p> <p>9 mother. You filing this lawsuit. Your</p> <p>10 mother filing her lawsuit. See, Melvin,</p> <p>11 you shouldn't have done all of that.</p> <p>12 You shouldn't drive that Mercedes, and</p> <p>13 you shouldn't live in that house that</p> <p>14 you live in. You shouldn't wear the</p> <p>15 type of clothes that you wear. You need</p> <p>16 to get you a little truck. See, people</p> <p>17 don't like these things. And, you know,</p> <p>18 they feel that you were born with a</p> <p>19 silver spoon in your mouth. And, you</p> <p>20 know, Brother Lowe, I just think maybe,</p> <p>21 you know, you might need to just leave</p> <p>22 the school district and maybe wait four</p> <p>23 or five years, because Jimmy Barker will</p>	<p style="text-align: right;">119</p> <p>1 telling you. You know, and this has</p> <p>2 just been communicated over and over,</p> <p>3 which you can't help but look at it and</p> <p>4 say, Well, okay, if it's not true, let's</p> <p>5 look at the treatment that he has</p> <p>6 gotten. He has gotten some very rotten</p> <p>7 treatment, so there might be some</p> <p>8 validity to some of this, if not all of</p> <p>9 it.</p> <p>10 <b>Q. When Dr. Owens was talking to you about</b></p> <p>11 <b>this, was he saying that Jimmy Barker</b></p> <p>12 <b>said these things to him, or was he</b></p> <p>13 <b>telling you how he, Dr. Owens, felt?</b></p> <p>14 A. Dr. Owens told me that Mr. Barker said</p> <p>15 this to him the previous day.</p> <p>16 <b>Q. Did Mr. Barker say anything to Jimmy</b></p> <p>17 <b>Owens -- excuse me, to Dr. Owens about</b></p> <p>18 <b>your previous -- you filing any kind of</b></p> <p>19 <b>lawsuit or your mother filing any kind</b></p> <p>20 <b>of lawsuit or charges?</b></p> <p>21 A. Yes. Dr. Owens made mention of all of</p> <p>22 it. Because at that point, I didn't</p> <p>23 even know Dr. Owens knew about my mother</p>

<p>120</p> <p>1 filing a lawsuit. I hadn't -- I mean, I 2 don't know how he would have known it, 3 because it wasn't like it was public 4 knowledge. And when he communicated to 5 me and said Mr. Barker, I told myself 6 Barker had to tell him, because who else 7 would have told him? I surely didn't 8 tell him.</p> <p>9 <b>Q. Well, did he tell you that, or did you</b> 10 <b>think that Barker told him?</b></p> <p>11 A. He told me Barker told him, and that the 12 reason Daisy Lawrence was being closed, 13 it had something to do with all of the 14 complaints from the teachers. And then, 15 Brother Lowe, as he calls me, Brother 16 Lowe, you filed your lawsuit. And 17 Brother Lowe, I mean, you kind of 18 brought all of this on yourself. I 19 don't know what you're going to do.</p> <p>20 <b>Q. I understand that --</b></p> <p>21 A. Yes, yes.</p> <p>22 <b>Q. -- Dr. Owens said that to you. But did</b> 23 <b>he tell you that Jimmy Barker said --</b></p>	<p>122</p> <p>1 wouldn't know. But these are the ones 2 that --</p> <p>3 <b>Q. That's all I'm asking for is what you</b> 4 <b>know.</b></p> <p>5 A. -- I can say I was there or it was said 6 to me, or, as I said before, I was 7 there.</p> <p>8 <b>Q. Okay. All right. Any conversations</b> 9 <b>where Dr. Carter has said that to you or</b> 10 <b>to anybody else that was relayed to you?</b></p> <p>11 A. Again, Mr. Carter -- Dr. Carter and I 12 have never, ever talked.</p> <p>13 <b>Q. Has Dr. Carter ever said anything to</b> 14 <b>anybody that was then relayed to you</b> 15 <b>that mentioned your mom's past</b> 16 <b>grievances or lawsuits and any lawsuit</b> 17 <b>of yours? Was Dr. Carter still the</b> 18 <b>superintendent when you initially sued?</b></p> <p>19 A. No.</p> <p>20 <b>Q. I can't even remember. He wasn't?</b></p> <p>21 A. No.</p> <p>22 <b>Q. Dr. Purcell was the superintendent by</b> 23 <b>then, okay. Any conversations like</b></p>
<p>121</p> <p>1 A. Yes, he did.</p> <p>2 <b>Q. -- Melvin Lowe brought this on himself</b> 3 <b>because of his lawsuit, or words to that</b> 4 <b>effect?</b></p> <p>5 A. Yes. Yes, Dr. Owens said that. Because 6 he constantly made sure that I 7 understood, Brother Lowe, this is not 8 me; you know, I hired you. I'm just 9 telling you what he told me.</p> <p>10 <b>Q. Okay. So those are the two times your</b> 11 <b>mother walks in on a conversation with</b> 12 <b>Mr. Barker, and you've told us about</b> 13 <b>that. You've told us about what</b> 14 <b>Dr. Owens said that Jimmy Barker said.</b> 15 <b>Any other -- and I know you've talked</b> 16 <b>about Lois Johnson, but let's stick on</b> 17 <b>Jimmy Barker so I can cover it. Any</b> 18 <b>other conversations that you've had with</b> 19 <b>Barker or that's been relayed to you</b> 20 <b>that he allegedly said about your</b> 21 <b>lawsuits?</b></p> <p>22 A. Those were the only ones that I'm aware 23 of. Now, if there were others, I</p>	<p>123</p> <p>1 <b>that?</b></p> <p>2 A. There was a conversation that Dr. Carter 3 had with a person not associated with 4 the school district that related to my 5 teaching at Southlawn, that later 6 provided me with the premise that he's 7 discussing you with other people and he 8 has a problem with you.</p> <p>9 <b>Q. And he was talking to this person about</b> 10 <b>your teaching at Southlawn?</b></p> <p>11 A. He was talking to this individual about 12 the incident that happened, and that he 13 didn't blame me, he would have slapped 14 the shit out of that child, too. Which 15 I was highly outraged, because I did not 16 hit the child. And I resent the fact 17 that it was communicated outside of the 18 central office to other individuals who 19 could or could not have been 20 impressionable at that time towards me.</p> <p>21 <b>Q. Who did he tell that to?</b></p> <p>22 A. Mr. Bill Mann (phonetic), who's a 23 salesperson at Bucklelew's Clothing for</p>



<p>124</p> <p>1 Men.</p> <p>2 <b>Q. Okay. But has anybody relayed any</b></p> <p>3 <b>conversations where he talked about your</b></p> <p>4 <b>mother's past grievances or your</b></p> <p>5 <b>lawsuits? I guess you hadn't filed one</b></p> <p>6 <b>at the time he was there --</b></p> <p>7 A. No.</p> <p>8 <b>Q. -- so let's focus on your mother. Okay.</b></p> <p>9 All right. I mean, when your</p> <p>10 mother went in to talk to him, what did</p> <p>11 your mother tell you that Dr. Carter</p> <p>12 said?</p> <p>13 A. Mother told me they had a conversation</p> <p>14 about their children and how you want</p> <p>15 the best for your children. And Mom</p> <p>16 talked to him about how hard that her</p> <p>17 and my father worked to educate us, my</p> <p>18 brother and I, and things of that nature</p> <p>19 and that there's a lot of maturity that</p> <p>20 has taken place with Melvin. There's a</p> <p>21 lot more maturity to take place. And I</p> <p>22 just need you, if you will, to consider</p> <p>23 allowing him to be rehired. And the</p>	<p>126</p> <p>1 give to me for whatever reason, I don't</p> <p>2 see where I should consider that as a</p> <p>3 favor. We can count it as a</p> <p>4 professional courtesy, but I won't go on</p> <p>5 Record and say it was a favor.</p> <p>6 <b>Q. Okay. That's fair enough, Mr. Lowe.</b></p> <p>7 A. Thank you.</p> <p>8 <b>Q. Let's clarify this for the Record: I</b></p> <p>9 <b>understand that you deny that you hit a</b></p> <p>10 <b>child at Southlawn, but it's true, is it</b></p> <p>11 <b>not, that those allegation were made</b></p> <p>12 <b>against you, and that was not the first</b></p> <p>13 <b>time that a student had complained about</b></p> <p>14 <b>your treatment of them?</b></p> <p>15 A. Now, that is not true.</p> <p>16 <b>Q. Okay. So you would say that was the</b></p> <p>17 <b>first time?</b></p> <p>18 A. The first time I ever had a complaint,</p> <p>19 written or oral, that a child alleged</p> <p>20 that I hit he or she or it was this</p> <p>21 Southlawn incident. I have never been</p> <p>22 reprimanded by a principal, a site</p> <p>23 administrator, or a central office</p>
<p>125</p> <p>1 conversation, her meeting, her</p> <p>2 conference with him, it wasn't even an</p> <p>3 hour. It was not even an hour. She</p> <p>4 said it was very, you know, polite, and</p> <p>5 it was -- she said when she left and</p> <p>6 she -- we talked. We were both under</p> <p>7 the assumption that, you know, if what</p> <p>8 Barker said was true about he can get</p> <p>9 you hired in an hour or a couple of</p> <p>10 hours, you know, you're getting ready to</p> <p>11 come back to Montgomery County.</p> <p>12 <b>Q. So did you feel like at that point that</b></p> <p>13 <b>Dr. Carter did a favor for you or did</b></p> <p>14 <b>something to help you out? He certainly</b></p> <p>15 <b>could have said no, correct?</b></p> <p>16 A. I want to go on the Record and say, when</p> <p>17 you're doing what's right and what's</p> <p>18 fair and what you do to all employees, a</p> <p>19 favor shouldn't have anything to do with</p> <p>20 it. If allowing me to be rehired was a</p> <p>21 practice that you followed with all</p> <p>22 employees, wonderful. But if it was a</p> <p>23 special consideration you were having to</p>	<p>127</p> <p>1 administrator of any misconduct,</p> <p>2 verbally or physically, towards a child.</p> <p>3 <b>Q. When you were at Daisy Lawrence the</b></p> <p>4 <b>first time, was there ever an incident</b></p> <p>5 <b>where you were accused of paddling</b></p> <p>6 <b>children without permission?</b></p> <p>7 A. No.</p> <p>8 <b>Q. Okay.</b></p> <p>9 A. And may I go on Record to finish</p> <p>10 answering your question. I said no,</p> <p>11 because I never from Ms. Jeter or a</p> <p>12 central office person or any other</p> <p>13 person in authority or capacity ever</p> <p>14 chastened me, because I never did such</p> <p>15 without the sanctions of a parent and/or</p> <p>16 an administrator, never.</p> <p>17 <b>Q. So if someone said that there was an</b></p> <p>18 <b>issue with you paddling children without</b></p> <p>19 <b>permission at Daisy Lawrence, you would</b></p> <p>20 <b>just say that's not true?</b></p> <p>21 A. They never -- it was never communicated</p> <p>22 to me, yes, ma'am. No, so that's not</p> <p>23 true.</p>

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1 **Q. Okay. What about at Fitzpatrick, were**  
2 **you ever accused of an incident**  
3 **regarding physically handling a child or**  
4 **being overly physical with a child?**  
5 A. No. And I can elaborate on the  
6 Fitzpatrick situation. There was a  
7 situation when I physically removed a  
8 child from a seat in the lunchroom. And  
9 Ms. Thompson never reprimanded me,  
10 because she was present when I moved the  
11 child. I picked the child up and moved  
12 the child. And I went to her and told  
13 her what happened and the reason I moved  
14 him. And I even phoned the parents, the  
15 father and informed him of what I did  
16 and why I did it. No, there was never  
17 any reprimand, verbally or written, that  
18 I inappropriately handled a child.  
19 **Q. And I wasn't asking if you were**  
20 **reprimanded, I was just trying to --**  
21 A. Yes, ma'am.  
22 **Q. So if there was -- if there is any kind**  
23 **of information regarding the handling of**

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1 **a child at Fitzpatrick, you would know**  
2 **what they were referring to, but you**  
3 **would just disagree that you handled the**  
4 **situation inappropriately?**  
5 A. I know exactly.  
6 **Q. What they're referring to?**  
7 A. What they're referring to.  
8 **Q. Okay. So when you went your third year**  
9 **to Southlawn, and if you'll look at the**  
10 **documents that are marked as Defense**  
11 **Exhibit 3 and glance over those, I**  
12 **believe that these are the documents**  
13 **that refer to the incident that we've**  
14 **been referring to?**  
15 (Whereupon Defendants'  
16 Exhibit No. 3 was marked  
17 for identification and  
18 attached hereto.)  
19 (Witness reviewed  
20 documents.)  
21 A. Yes.  
22 **Q. I guess my question to you is that**  
23 **regardless of what your position is as**

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1 **to whether or not that you acted**  
2 **inappropriately, it's certainly**  
3 **undisputed that a child said you did,**  
4 **and there was an investigation, and you**  
5 **were actually suspended as a result of**  
6 **it, correct?**  
7 A. Yes. With pay, yes.  
8 **Q. Okay. And the year that you were**  
9 **nonrenewed followed this Southlawn year?**  
10 A. Yes, it did.  
11 **Q. Okay. And you were then told that you**  
12 **needed to apologize or made amends with**  
13 **Dr. Carter to get a job back with the**  
14 **school system, and your mother went on**  
15 **your behalf to speak with him, and after**  
16 **that conference, you were eventually**  
17 **hired back in the Fall of 2003; is that**  
18 **correct?**  
19 A. I need to answer that in detail.  
20 **Q. Okay.**  
21 A. With those charges that took place at  
22 Southlawn, those are charges that when  
23 you read what Mr. Barker scribed, they

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1 were unfounded. And I was found, not  
2 only by the investigation of the school  
3 board, but the City of Montgomery found  
4 me not guilty and dismissed those  
5 charges. And I was placed back in my  
6 position as a teacher, not only at the  
7 request of the central office, but the  
8 principal requested that I return.  
9 **Q. But -- I'm sorry. Go ahead. I**  
10 **apologize.**  
11 A. At the end of the year, that school  
12 term, the nonrenewal came from  
13 central -- well, all of them are  
14 generated out of the central office, but  
15 Ms. Tina Minott did not issue one for  
16 me. My termination letter came the day  
17 after all of the other teachers'  
18 termination letters came. And she  
19 admitted to me on several -- on more  
20 than one occasion, Melvin, I didn't do  
21 this.  
22 Even after I got the  
23 nonrenewal and I applied following the



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1 procedures to be rehired at Southlawn  
2 Middle, she then again cried on my  
3 shoulder. And she said, Melvin, they  
4 won't let me rehire you.  
5 Ms. Minott wrote me letters of  
6 recommendation for other school  
7 districts to attain employment. I then  
8 went to Bullock County, because I had no  
9 other choice. I was forced. I couldn't  
10 gain employment in Montgomery County.  
11 And when I returned to  
12 Montgomery County, it was a year and  
13 some months after I was retaliated  
14 against and also discriminated against  
15 with the nonrenewal, the pink slip. My  
16 mother spoke to Dr. Carter on my behalf,  
17 because he would not meet with us  
18 together.  
19 **Q. Why didn't you meet with him by**  
20 **yourself?**  
21 A. Well, when we initially asked for a  
22 conference and he said that he wouldn't  
23 meet with us together, Mother was then

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1 the first person they offered a  
2 conference to. And then after Mother  
3 met with him, I was never extended a  
4 conference.  
5 **Q. Is it fair to say that during your**  
6 **career with Montgomery public schools,**  
7 **that your Mother often made**  
8 **communications with people for you or on**  
9 **your behalf or with you?**  
10 A. My Mother does or did and will do what  
11 any other mother would do. She  
12 communicated with persons with reference  
13 to me, my brother, for whatever reason  
14 needed.  
15 **Q. Let's look at this real quick, because I**  
16 **want to clarify something.**  
17 A. Okay.  
18 **Q. This letter actually says that the**  
19 **findings were inconclusive as to Count**  
20 **I. That Count II was verified, which is**  
21 **where you were accused of using**  
22 **profanity and demeaning language in**  
23 **addressing students. And I'm not asking**

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1 **you to say you did that.**  
2 A. Yes.  
3 **Q. But that the conclusions of the**  
4 **investigation says that it found you did**  
5 **that, and that you were suspended for**  
6 **five days. And these documents reflect**  
7 **that you signed an agreement that as**  
8 **part of your punishment, there was going**  
9 **to be this letter of reprimand in your**  
10 **file and a five-day suspension?**  
11 A. Yes, ma'am.  
12 **Q. And so, I mean, do you disagree with**  
13 **that's what the resolution of this was?**  
14 **I mean, you're saying that you were**  
15 **found clear and put back to work. I**  
16 **didn't see any documentation where this**  
17 **was undone or changed. It appears to me**  
18 **that you were given a letter of**  
19 **reprimand and a five-day suspension for**  
20 **your conduct in that incident.**  
21 A. To answer that, you can't unchange the  
22 charges. The charges are -- I mean,  
23 it's documented with the city that the

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1 charges were thrown out of city court.  
2 That merely suggests that an  
3 investigation -- in my terminology, was  
4 suggesting that an investigation was  
5 done, and that on two of the charges, we  
6 were inconclusive. That's a nice way of  
7 saying, we think you did it, but we  
8 can't prove you did it. The last charge  
9 is saying that we feel that you did it,  
10 and we have evidence or we have some  
11 tangible documentation that you did do  
12 it. The only thing, me signing that, is  
13 agreeing to that going into my personnel  
14 folder and accepting the five-day  
15 suspension. I did not admit to any of  
16 that.  
17 **Q. Do you disagree that there were**  
18 **witnesses that said you acted like that**  
19 **towards the children?**  
20 A. I still disagree.  
21 **Q. Okay. So you just believe that those**  
22 **witnesses gave false information?**  
23 A. The witnesses -- because an -- the

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1 initial investigation was conducted --  
2 it was conducted by Ms. Tina Minott.  
3 And she communicated to me, Melvin, I  
4 think you will be back to work the next  
5 week. Then when that investigation did  
6 not satisfy Mr. Carter, he then had  
7 Mr. Barker to reinvestigate, which was  
8 where you had conflicting stories with  
9 the students.  
10 **Q. Do you agree that as the superintendent,**  
11 **that he would be -- that he would take**  
12 **allegations like this very seriously and**  
13 **that he would make sure there was a**  
14 **thorough investigation? Do you disagree**  
15 **with how he handled that?**  
16 A. I disagree. And being that I'm also  
17 certified in administration and I know  
18 policy and procedure, I disagree with --  
19 if you have your competent administrator  
20 that you appointed and placed in the  
21 school as the instructional leader, and  
22 you ask -- that person provided you with  
23 an investigation, it just appears odd

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1 that you would then on the same breath  
2 order another investigation. And then  
3 when you order another investigation,  
4 your findings are a little different on  
5 two -- I mean, the same on two of the  
6 charges, but a little bit different on  
7 the other.  
8 And I asked that, because  
9 during that same incident, there was a  
10 female teacher, a white female teacher  
11 at Harrison Elementary School who was  
12 found guilty, who admitted to slamming a  
13 child's head on a desk. One  
14 investigation was done by the principal,  
15 and that teacher was placed on leave, as  
16 I, brought back off of leave, but that  
17 teacher did not receive a nonrenewal at  
18 the end of the year. That teacher was  
19 advised the same as I was, to admit to  
20 what you did. But in my situation, I  
21 was advised, Just admit to what you did.  
22 And, Melvin, just let them curse you --  
23 let Mr. Carter and Dr. Barker curse you

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1 and yell at you and, you know, it will  
2 be over with. Now, this was the advice  
3 I was given --  
4 **Q. Did Dr. Carter and Mr. Barker curse and**  
5 **yell at you about this?**  
6 A. Well, I think if they'd been given the  
7 opportunity, they might. Dr. Carter --  
8 **Q. Okay. That's not my question.**  
9 A. No. No, they did not.  
10 **Q. Okay. Thank you.**  
11 A. Mr. -- may I finish? I'm sorry.  
12 MR. PATTY: Were you  
13 finished with  
14 your ...  
15 THE WITNESS: No. I wasn't  
16 finished with it.  
17 **Q. And go ahead. I apologize. I just**  
18 **heard that and wanted to get a**  
19 **clarification of --**  
20 A. Under the advice of the attorney that I  
21 had at that time --  
22 **Q. Who was your attorney?**  
23 A. Attorney Brenton Dean.

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1 **Q. Okay. Go ahead.**  
2 MR. PATTY: Don't get into  
3 what Brenton Dean's  
4 told you.  
5 THE WITNESS: Oh, okay.  
6 MRS. CARTER: Yeah, I  
7 didn't --  
8 A. Okay. Well, there was --  
9 **Q. I've never heard of that person.**  
10 A. It was a similar, very similar  
11 situation, an altercation with a  
12 student. But the outcome, she was not  
13 nonrenewed at the end of the year; I  
14 was.  
15 **Q. Okay. So the bottom line is that you**  
16 **just disagree with how they handled**  
17 **that?**  
18 MR. PATTY: Object to the  
19 form.  
20 A. Yes.  
21 **Q. All right. Let me back up for a second**  
22 **and get something that we don't have**  
23 **here on the Record: After the 2003-2004**

<p style="text-align: right;">140</p> <p>1 school year, which is your first year 2 back at Daisy Lawrence -- or back in the 3 school system and you're at Daisy 4 Lawrence? 5 A. I'm listening. I'm just having to 6 calculate in my head, so yes, yes. 7 Q. Okay. We'll figure it out eventually. 8 A. I was trying to look over there, but -- 9 okay. 10 Q. We've almost worked through this. After 11 that year, you were nonrenewed, correct? 12 A. Yes. 13 Q. So in the Spring of 2004? 14 A. May, yes. 15 Q. Okay. And do you know if it was -- 16 MR. PATTY: Melvin -- 17 THE WITNESS: We need to 18 look back at that. 19 MR. PATTY: I think there 20 was -- hold on just a 21 second. I think there 22 was an attempt, but I 23 don't think it</p>	<p style="text-align: right;">142</p> <p>1 I did not go back into the same 2 position. 3 Q. Okay. Let me show you what I've marked 4 as Defense Exhibit 4. 5 (Whereupon Defendants' 6 Exhibit No. 4 was marked 7 for identification and 8 attached hereto.) 9 (Witness reviewed document.) 10 A. Okay. And the reason I said I did not 11 go back in the same position, I am 12 categorizing the position as far as the 13 job that I was charged or tasked, 14 T-A-S-K-E-D, to do. The first year at 15 Daisy Lawrence, I was on paper hired to 16 do one thing, but I was tasked and 17 evaluated doing something else. The 18 second year, I was tasked to do 19 something else, still in opposition to 20 what was on the contract. 21 Q. Okay. Look at Defense Exhibit 4 for me. 22 And it says there that you're being 23 placed back at the -- it says same</p>
<p style="text-align: right;">141</p> <p>1 actually -- 2 MRS. CARTER: Right. That's 3 right. And I 4 understand that. And I 5 was about to get into 6 that. So I might be 7 using the wrong word. 8 BY MRS. CARTER: 9 Q. There was an attempt -- I mean, as I 10 understand it, and this might be the 11 easiest way to do it, and you tell me if 12 I'm wrong, is that there was an attempt 13 to nonrenew you, but actually because of 14 the massive nonrenewals that year, did 15 not get on the Board minutes. And so 16 you were actually placed back in your 17 same position as if you had never been 18 nonrenewed, because the nonrenewal was 19 never effectuated through the school 20 board voting. Did I say that about 21 right? 22 A. You said it right, but it's true and not 23 true. No, everything you said was true.</p>	<p style="text-align: right;">143</p> <p>1 position as last year, and it says 2 teacher-tutor. Is that what this 3 document states? 4 A. That's what this document states. But 5 to finish this statement, the first time 6 I saw this was when it was presented to 7 Attorney Patty. I don't know when they 8 did this. I don't know when this took 9 place. 10 Q. So is it your testimony that you were 11 not a teacher-tutor that last year you 12 worked there? 13 A. To be honest, as I have been, and not 14 sarcastic, that second year, I was more 15 confused than what I did the first year. 16 I don't know what I was the second year. 17 Q. Well -- 18 A. Let me -- can I explain that so you 19 won't -- so you're not lost? 20 Q. Yes, please. 21 A. The school only had a population of 22 students the entire year of no more than 23 maybe twenty-five students. I did not</p>

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1 have any students to teach. The  
2 prescribed curriculum for reading  
3 intervention that we were to implement  
4 never materialized. It never  
5 manifested. There was never any full  
6 implementation of the program. It was  
7 communicated to me that part of your  
8 punishment, Brother Lowe, is I got to  
9 move you. I have to. I've got to move  
10 you out of the front office, where my  
11 office was. I was moved into a  
12 classroom, which I set up like a  
13 classroom, slash, an office. And what  
14 did I do every day all day?  
15 **Q. I don't know.**  
16 A. I don't either. That is -- I mean,  
17 that's just how humiliating -- the first  
18 year was whatever it was, but the second  
19 year was very humiliating.  
20 **Q. Isn't that partly because your job no**  
21 **longer existed at the school which is**  
22 **why they tried to -- one of the reasons**  
23 **they tried to nonrenew you. And then**

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1 **when they messed up your nonrenewal and**  
2 **had to put you back at work, there,**  
3 **quite frankly, wasn't an exact job for**  
4 **you to go into? Wasn't that part of the**  
5 **problem?**  
6 A. That could have been. It was never  
7 relayed to me that way.  
8 **Q. Did you get paid?**  
9 A. I did. But I was being paid to perform  
10 a particular duty. And what I thought I  
11 was supposed to do was what I did the  
12 previous year, which was I was the  
13 reading coach.  
14 When the curriculum changed, I  
15 still knew what to do. I knew the  
16 program, because I had implemented that  
17 program the prior summer in the summer  
18 program. And I made complaints to the  
19 central office, the students are not  
20 being serviced. And I think a lot of  
21 that, my complaints to the central  
22 office, we need the material, the  
23 students are not being serviced, I'm not

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1 going to turn this -- I'm not going to  
2 lie about this assessment. You know, a  
3 lot of that I feel played into some of  
4 the other -- the string of retaliations.  
5 Because the second year with  
6 twenty-five students, we never received  
7 the curriculum, the teachers were never  
8 trained on the program. I was certified  
9 to train them. I was never given an  
10 opportunity to train them. And it  
11 was -- you know, what did I do, anything  
12 Dr. Owens asked me to do, but it wasn't  
13 teaching and instruction. And the  
14 central office was very aware of this,  
15 because I communicated this to quite a  
16 few people. All of the superintendents  
17 knew.  
18 **Q. Did you ever talk to Jimmy Barker about**  
19 **what was going on there the last year?**  
20 A. I talked to Mr. Jimmy Barker, Ms. Lois  
21 Johnson, Mr. Mike Looney. I even  
22 conferenced with Dr. Purcell.  
23 **Q. Daisy Lawrence is gone now, right?**

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1 A. The building is still there, but the  
2 program that it housed --  
3 **Q. That's what I mean.**  
4 A. Yes, ma'am.  
5 **Q. In the summer between -- in the Summer**  
6 **of '04, before you started that last**  
7 **year, just to give you your bearings,**  
8 **the summer before your last year with**  
9 **the school system --**  
10 A. Gotcha.  
11 **Q. -- did you have any conversations with**  
12 **Jimmy Barker or Mike Looney or Carolyn**  
13 **Hicks or Lois Johnson, any of those**  
14 **people, about what your placement was**  
15 **going to be or where you were going to**  
16 **go or what jobs you wanted to work, as**  
17 **opposed to going back to Daisy Lawrence,**  
18 **any of those conversations -- any**  
19 **conversations with those people? Excuse**  
20 **me.**  
21 A. Yes. May I elaborate on those  
22 conversations?  
23 **Q. Yes, yes.**



<p>148</p> <p>1 A. The conversations stemmed anywhere from, 2 will I be going back to Daisy Lawrence; 3 what is the outcome of some of these 4 other jobs I have applied for; what are 5 the outcomes of some of these jobs that 6 I have interviewed for. So the 7 conversations were -- yes. They were 8 very direct with specific meaning, with 9 specific concern. And they were lengthy 10 in some situations. 11 <b>Q. Do you know on -- do you know when</b> 12 <b>anybody with the Montgomery public</b> 13 <b>school system would have learned that</b> 14 <b>you'd filed an EEOC charge?</b> 15 A. The first person who mentioned it to me, 16 and it blew me out of the water that 17 this person would know about it -- my 18 mother, of course, knew. When Dr. Owens 19 mentioned to me that Mr. Barker informed 20 him of what I did -- now, Dr. Owens 21 didn't tell me when he mentioned it. He 22 said, Brother Lowe, you didn't think I 23 knew that. I was knocked out of the</p>	<p>150</p> <p>1 A. The end of that last year. It was 2 either the day before or the day after. 3 I would have to look back at the notes, 4 but it was right there. 5 <b>Q. But you had actually filed something at</b> 6 <b>the beginning of, I guess, the Summer of</b> 7 <b>'04?</b> 8 A. Those were grievances, AEA grievances, I 9 believe. They were on the PR&amp;R form. 10 MR. PATTY: Yeah, but 11 that -- she's talking 12 about something you 13 filed with Montgomery 14 County, not something 15 you filed with AEA. 16 THE WITNESS: I would have 17 to look at the dates. 18 MR. PATTY: Yeah. 19 A. I would have to look at the dates. 20 <b>Q. Okay. That's fine.</b> 21 A. I'm sorry. 22 <b>Q. Let me show you what I'll mark as</b> 23 <b>Defense Exhibit 5, and ask if that's a</b></p>
<p>149</p> <p>1 water, because I had not mentioned that 2 under directions of AEA. That had not 3 been communicated to anyone. 4 <b>Q. And was that during your last year of</b> 5 <b>teaching there?</b> 6 A. That was that last year. 7 <b>Q. So the first you would have known about</b> 8 <b>Montgomery public schools knowing, is</b> 9 <b>Dr. Owens telling you during your last</b> 10 <b>year of school there?</b> 11 A. That he knew. 12 <b>Q. That he knew. How many weeks or months</b> 13 <b>into the school year before you had that</b> 14 <b>conversation with him?</b> 15 A. As you go back and look at one of those 16 documents with the e-mail I sent to 17 Dr. Purcell, it was -- the day we 18 received the pink slip notifications at 19 Daisy Lawrence, it was -- I don't want 20 to say the wrong thing. It was either 21 the day before or the day after. It was 22 right there. It was -- 23 <b>Q. So it was at the end of your last --</b></p>	<p>151</p> <p>1 <b>copy of what you sent to the EEOC?</b> 2 <b>(Whereupon Defendants'</b> 3 <b>Exhibit No. 5 was marked</b> 4 <b>for identification and</b> 5 <b>attached hereto.)</b> 6 <b>(Witness reviewed document.)</b> 7 A. This is -- 8 MR. PATTY: It's about 9 12:15, so we're about 10 five minutes away from 11 being an hour into it. 12 MRS. CARTER: Okay. Let me 13 mark this stuff real 14 quickly. 15 MR. PATTY: Yeah. 16 MRS. CARTER: That way I'll 17 be thinking about it 18 while I'm gone, and 19 then we'll go. 20 MR. PATTY: Yeah. 21 A. This is it, yes, ma'am. 22 <b>Q. Is that the first thing you sent to them</b> 23 <b>as far as the substance of what your</b></p>

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1 **complaint would be?**  
2 A. Let me look back at this. I know I sent  
3 them a complaint. And then I think I  
4 did an addendum. If you let me see  
5 that.  
6 **Q. Yeah. I was going to say, let me show**  
7 **you. It might be easier for me to show**  
8 **you what I have, and then you can kind**  
9 **of put it together for us. Defense --**  
10 A. Well, I'm going along with the dates.  
11 This is the August 2nd.  
12 **Q. Yeah. Defense Exhibit 6 is August 3rd.**  
13 **(Whereupon Defendants'**  
14 **Exhibit No. 6 was marked**  
15 **for identification and**  
16 **attached hereto.)**  
17 **(Witness reviewed document.)**  
18 A. This is the 3rd.  
19 **Q. I had several August 3rds, but I think**  
20 **they're exactly alike. And then I had**  
21 **another one that says, Addendum-**  
22 **Complaint of Employment Discrimination**  
23 **that I'll mark as Defense Exhibit 7.**

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1 **(Whereupon Defendants'**  
2 **Exhibit No. 7 was marked**  
3 **for identification and**  
4 **attached hereto.)**  
5 **(Witness reviewed**  
6 **documents.)**  
7 A. Okay.  
8 **Q. Grievance previously filed -- oh, that's**  
9 **why this is dated that. It says**  
10 **grievance --**  
11 A. Previously filed. That was the  
12 addendum. Right here, I think I blind  
13 copied that to someone, and that's the  
14 reason the date is different. I know  
15 exactly who I blind copied this to. On  
16 the second date --  
17 **Q. So those two documents are the same?**  
18 A. These are the same.  
19 MR. PATTY: 5 and 6 are the  
20 same.  
21 A. August 2nd and August 3rd are the same.  
22 One has EEOC's date on it -- I mean,  
23 address. This one does not.

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1 **Q. I gotcha.**  
2 MR. PATTY: For the Record,  
3 Exhibit 5 and Exhibit 6  
4 are the same document.  
5 A. Are the same documents.  
6 **Q. The substance of them are the same. The**  
7 **addresses are different or whatever;**  
8 **they were sent on different dates?**  
9 A. Yes.  
10 **Q. And then the next document I'll show you**  
11 **is Defense Exhibit 7. And it's not**  
12 **dated that I can tell, but it says that**  
13 **it's an addendum to a previously filed**  
14 **grievance on August 3rd, 2004?**  
15 A. It is.  
16 **Q. So that would have been the next**  
17 **document you filed?**  
18 A. Yes, ma'am.  
19 **Q. All right. Then let me show you what**  
20 **I'll mark as Defense Exhibit 8. And**  
21 **this appears to be an actual EEOC charge**  
22 **or on the EEOC charge form, or typical**  
23 **forms, dated October 11th of 2004, that**

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1 **you have signed?**  
2 A. Yes.  
3 **Q. Is that the first one of those that you**  
4 **signed?**  
5 A. I believe so, because in August,  
6 September, October -- yes.  
7 **Q. Is Defense Exhibit 8 something that**  
8 **somebody at the EEOC drafted for you**  
9 **after you sent them this information**  
10 **that's in 5, 6, and 7?**  
11 **(Whereupon Defendants'**  
12 **Exhibit No. 8 was marked**  
13 **for identification and**  
14 **attached hereto.)**  
15 **(Witness reviewed document.)**  
16 A. I'm assuming that's how it works,  
17 because I had not spoken to anyone until  
18 after this was mailed. And the same day  
19 I got a call, did you receive it? It  
20 was in the mail.  
21 **Q. Okay. So you sent them Exhibit 5 and**  
22 **then updated it with Exhibit 7. And**  
23 **then at some point you were sent Defense**

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1 **Exhibit 8 to execute or to sign?**  
2 A. And there was one -- there was -- they  
3 sent me one and there was some errors in  
4 it. And then they went back and amended  
5 it with some corrections. So I'm going  
6 to see all copies, if you don't mind.  
7 **Q. Yeah. I'm going to give it to you. Let**  
8 **me show you what's been marked as**  
9 **Defense Exhibit 9. Is that a letter**  
10 **that you wrote to them?**  
11 **(Whereupon Defendants'**  
12 **Exhibit No. 9 was marked**  
13 **for identification and**  
14 **attached hereto.)**  
15 **(Witness reviewed document.)**  
16 A. Yes.  
17 **Q. And did you write that letter in**  
18 **response to what they had --**  
19 A. After I received this, I then had to go  
20 back and provide clarity when I wrote  
21 the letter on October 11, which is  
22 Exhibit No. 9.  
23 **Q. And when he says "after I received**

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1 **this," he's pointing to Defense Exhibit**  
2 **8.**  
3 A. 8.  
4 **Q. And so you got Defense Exhibit 8, and**  
5 **you went back and you sent them a letter**  
6 **adding --**  
7 A. Yes.  
8 **Q. -- some more detail or clarifying**  
9 **things?**  
10 A. Clarity, yes, ma'am.  
11 **Q. And then I have what I'll mark as**  
12 **Defense Exhibit 10, which is another**  
13 **EEOC charge that's dated November 12th**  
14 **of '04. If you'll take a look at that**  
15 **for me.**  
16 **(Whereupon Defendants'**  
17 **Exhibit No. 10 was marked**  
18 **for identification and**  
19 **attached hereto.)**  
20 **(Witness reviewed document.)**  
21 A. This is where they made -- added the  
22 corrections to it.  
23 **Q. Is that where they corrected or added**

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1 **things?**  
2 A. Yes, they added some things.  
3 **Q. And you re-executed that?**  
4 A. Yes.  
5 **Q. You signed it?**  
6 A. Yes, ma'am.  
7 **Q. Okay. Did you sign any other EEOC**  
8 **charge, that you know of? And I'm not**  
9 **talking about information you might have**  
10 **sent them along the way, but any other**  
11 **document that looks like Defense Exhibit**  
12 **8 or 9?**  
13 A. To the best of my recollection, no,  
14 ma'am.  
15 **Q. Okay. So once they got this fixed and**  
16 **you signed it, that was your charge, and**  
17 **you haven't filed anything like this**  
18 **since, like Defense Exhibit 10?**  
19 A. None other than having charges amended,  
20 but that came through my lawyer. I did  
21 not send anything else to EEOC  
22 independently or sign anything else  
23 independently outside of these two

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1 documents.  
2 **Q. Yeah. And I think your lawyer amended**  
3 **your complaint, and we'll get into all**  
4 **that later, but that was -- that's not**  
5 **something that would have gone through**  
6 **the EEOC?**  
7 A. No.  
8 **Q. All right.**  
9 MRS. CARTER: All right.  
10 Let's take a lunch  
11 break, if you guys want  
12 to. I think that we'll  
13 be able to move faster  
14 after lunch.  
15 (Whereupon a lunch break was  
16 taken.)  
17 (Jimmy Barker now present.)  
18 BY MRS. CARTER:  
19 **Q. All right. When we took the break, we**  
20 **were marking, I think, some EEOC**  
21 **documents. And I didn't mark this one,**  
22 **which was the dismissal and notice of**  
23 **right to sue letter that I've marked as**



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1 **Defense Exhibit 11. Does that look like**  
2 **a copy of what you received from the**  
3 **EEOC at the conclusion of their**  
4 **investigation?**  
5 **(Whereupon Defendants'**  
6 **Exhibit No. 11 was marked**  
7 **for identification and**  
8 **attached hereto.)**  
9 **(Witness reviewed document.)**  
10 A. It is.  
11 **Q. Okay. In looking back -- let me go back**  
12 **first quickly and ask you a couple of**  
13 **things about your employment history.**  
14 **First of all, you made mention that you**  
15 **had substitute taught for the school**  
16 **system before you got your first**  
17 **full-time job in 1999?**  
18 A. I did.  
19 **Q. Okay. And tell me what years you**  
20 **substituted.**  
21 A. It was just a short period. It was in  
22 the year of '99.  
23 **Q. That spring?**

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1 A. Maybe April and May. It was a short  
2 period right after an internship.  
3 **Q. And did you have any problems with that**  
4 **or were there any issues?**  
5 A. No.  
6 **Q. Okay. I noticed that on -- and I'm**  
7 **going to refer to the second EEOC**  
8 **charge, if that's okay, since this was**  
9 **the corrected version or the latest**  
10 **version. And it says in the first**  
11 **sentence that you have sought employment**  
12 **and tenure with this employer since**  
13 **1997, and that you have been denied the**  
14 **opportunity to obtain employment within**  
15 **your area of certification or to obtain**  
16 **tenure. And just for clarification,**  
17 **were there times that you tried to get a**  
18 **job in '97 or '98 that you were not**  
19 **allowed to get a job that you claim were**  
20 **discrimination or retaliation?**  
21 A. We can site that as a technicality with  
22 the date. Because I did not apply for  
23 anything until I was certified in 1999.

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1 **Q. Okay. And so you think maybe that**  
2 **should say May of '99?**  
3 A. It should say May of '99.  
4 **Q. Okay. And that's fine. I just wanted**  
5 **to make sure there was nothing I should**  
6 **ask you about.**  
7 A. Okay.  
8 **Q. Okay. So we're talking about May of**  
9 **'99? In the Summer of 1999, which was**  
10 **the first year you would have had your**  
11 **certification, you applied, you got a**  
12 **job. Were there other school districts**  
13 **that you got a job with -- I mean that**  
14 **you got a job offer from?**  
15 A. In 1999, no. I did not apply to any  
16 other school district.  
17 **Q. Okay. So you only applied with**  
18 **Montgomery?**  
19 A. Only Montgomery County.  
20 **Q. What about the Summer of 2000, for the**  
21 **2000-2001 school year?**  
22 A. That was the very next year? Just  
23 Montgomery County.

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1 **Q. You didn't apply with other school**  
2 **districts?**  
3 A. No.  
4 **Q. What about for the '01-'02 school year?**  
5 **And just to give you your bearings,**  
6 **that's the summer that you transferred**  
7 **from Fitzpatrick to Southlawn.**  
8 A. Just Montgomery County.  
9 **Q. Okay. And then after you left**  
10 **Southlawn, you were nonrenewed that**  
11 **year; we know you got a job in Bullock**  
12 **County?**  
13 A. Macon County and Elmore County. And  
14 there might have been a host of others.  
15 I think I have some notations of the  
16 different school districts I applied if  
17 I could thumb back through here. Yeah,  
18 here they are. Macon, Dallas.  
19 **Q. Okay. And you're referring to Defense**  
20 **Exhibit 7?**  
21 A. Yes.  
22 **Q. It's the second page of this document,**  
23 **and the numbers are -- the numbering of**



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1 the document is at the top right-hand  
2 corner. And it states here -- well,  
3 this looks to be a complete listing of  
4 everybody that you at this point had  
5 interviewed with. And what you've done  
6 is named the person and the school, and  
7 then indicated whether you were hired or  
8 not, if it was a Montgomery County  
9 school position, and then for other  
10 counties -- for Bullock County, you also  
11 named the person and the job. But then  
12 for these other counties, you've just  
13 listed counties to be Macon, Dallas,  
14 Selma City, Lee County, Autauga County,  
15 Elmore County, and Tuskegee University.  
16 And you've indicated that in every one  
17 of those circumstances you were offered  
18 a job. Are you talking about -- and  
19 this letter might tell us this -- are  
20 you talking about that Summer of 2003 --  
21 excuse me -- of 2002 when you got the  
22 job with Bullock County?  
23 A. The last -- right after Southlawn, that

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1 summer.  
2 Q. Right. Right after -- that's what I'm  
3 talking about. After Southlawn, that  
4 would be the Summer where you had  
5 interviewed for all these jobs?  
6 A. Yes.  
7 Q. Okay. I don't want to confuse you.  
8 This letter is dated in August of '04.  
9 So I guess I'm trying to figure out if  
10 there are any --  
11 A. This is when I sent the addendum to  
12 EEOC.  
13 Q. Yes, sir.  
14 A. This is when it was --  
15 Q. I think actually that this is the date  
16 that you reflect in your previous one.  
17 A. Yeah, the previous one was previously  
18 filed.  
19 Q. I don't think that Defense Exhibit 7  
20 actually has a date, but, I mean, I  
21 guess we could assume it followed it at  
22 some point.  
23 A. 7, okay.

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1 Q. And just so you'll know where I'm  
2 headed, I'm trying to ascertain what  
3 jobs you interviewed for the Summer of  
4 '02 after you were nonrenewed from  
5 Southlawn. I'm trying to ascertain what  
6 jobs you interviewed for that summer as  
7 opposed to the next summer. So maybe  
8 the best way to ask it is: The summer  
9 before you got hired with Bullock  
10 County, that during that summer when  
11 you're looking for a job, you've been  
12 nonrenewed; you're looking for a job --  
13 A. The first -- I don't mean to cross  
14 you -- the first summer?  
15 Q. Yes, sir.  
16 A. All of these. That last summer, I only  
17 went back to Macon County.  
18 MR. PATTY: All right. So  
19 that's --  
20 Q. Okay. So let's peg that down.  
21 MR. PATTY: Yeah, let's  
22 get -- clarified it.  
23 Q. So after you were nonrenewed from

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1 Southlawn -- and I know it's from public  
2 schools, but I'm using the name of the  
3 school so we can keep the time frame in  
4 our head. After you're nonrenewed from  
5 Southlawn, you interviewed -- on Defense  
6 Exhibit 7, No. 3 lists A through Q. And  
7 it's your testimony that those are all  
8 of the positions or places where you  
9 would have interviewed to get a job?  
10 A. Yes, they are.  
11 Q. Okay. And in looking at this, this says  
12 the places that you were -- that you've  
13 interviewed with Dr. James Singleton at  
14 Davis Elementary School and you were not  
15 hired?  
16 A. I was not.  
17 Q. And what position were you interviewed  
18 for?  
19 A. A teacher position.  
20 Q. And do you claim any type of  
21 discrimination or retaliation in regards  
22 to not being hired in that job?  
23 A. Mr. Singleton just stated that I had a

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1 poor interview, and I was disrespectful  
2 in the interview.  
3 **Q. Okay.**  
4 MR. PATTY: Did you ask the  
5 question, did these  
6 show places he had  
7 interviewed since  
8 Southlawn?  
9 MRS. CARTER: Yeah. And I  
10 can already tell that  
11 we're wrong, because  
12 he's listed places that  
13 he worked before.  
14 MR. PATTY: Right.  
15 MRS. CARTER: I'm just going  
16 to buzz through them  
17 real quick.  
18 MR. PATTY: It says May  
19 1997, is what it says  
20 on 3. It says these  
21 are people I've talked  
22 to or interviewed since  
23 May of 1997.

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1 BY MRS. CARTER:  
2 **Q. Well, and I'm going to assume that when**  
3 **you refer to '97 throughout Defense**  
4 **Exhibit 7, that you mean '99.**  
5 MR. PATTY: Right.  
6 A. '99.  
7 MR. PATTY: Okay.  
8 **Q. I guess I should have clarified that,**  
9 **but I was just going to assume it after**  
10 **what you'd told us.**  
11 A. Okay.  
12 **Q. Do you remember then what summer you**  
13 **interviewed with Dr. James Singleton?**  
14 A. That was in '99, because I had just  
15 gotten certified.  
16 **Q. Okay. And he said you had a poor**  
17 **interview?**  
18 A. And was disrespectful in the interview.  
19 **Q. Okay. Do you have -- so that was when**  
20 **you first got hired then. I guess that**  
21 **that is not one of the jobs in which you**  
22 **claim discrimination or retaliation?**  
23 A. You can call it what it is. Just

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1 nothing manifested. I didn't get the  
2 job.  
3 **Q. Okay. Well, throughout your deposition**  
4 **I'm going to want to know**  
5 **specifically --**  
6 A. Okay.  
7 **Q. -- what jobs you're talking about that**  
8 **were adverse --**  
9 A. Okay.  
10 **Q. -- employment actions. Because we've**  
11 **got a whole lot of jobs here that we've**  
12 **got to weed through.**  
13 A. Okay.  
14 **Q. And so if there's anything in particular**  
15 **to any of these jobs, here's your chance**  
16 **to articulate that.**  
17 A. Okay.  
18 **Q. So do you have any reason to believe**  
19 **that Dr. James Singleton not hiring you**  
20 **was discriminatory or retaliatory?**  
21 A. No, not that particular job.  
22 **Q. All right. What about Mrs. Lilli --**  
23 A. Lillian Sanders?

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1 **Q. -- Lillian Sanders?**  
2 A. Mrs. Sanders offered me the job and  
3 actually sent me back down to the  
4 central office to fill out my paperwork.  
5 And she called me in the car and told me  
6 not to go.  
7 **Q. Okay. What summer was this?**  
8 A. '99.  
9 **Q. So that was the summer before you**  
10 **started working, too?**  
11 A. Yes.  
12 **Q. And then she called you in the car and**  
13 **told you not to go down to central**  
14 **office?**  
15 A. Yes.  
16 **Q. And is there anything you're claiming**  
17 **there that was retaliatory or**  
18 **discriminatory?**  
19 A. She later told me that Mrs. Hicks  
20 talked -- she told me and my mother that  
21 Mrs. Hicks, Carolyn Hicks, talked her  
22 out of hiring me.  
23 **Q. In 1999?**

<p style="text-align: right;">172</p> <p>1 A. In 1999.</p> <p>2 <b>Q. And did she tell you why Mrs. Hicks</b></p> <p>3 <b>talked her out of it?</b></p> <p>4 A. No. She just said, I don't want you-all</p> <p>5 mad with me, but Mrs. Hicks talked me</p> <p>6 out of hiring you.</p> <p>7 <b>Q. And you don't know why?</b></p> <p>8 A. No, I don't.</p> <p>9 <b>Q. All right. C says Mr. Vince Johnson.</b></p> <p>10 <b>He's indicated as currently principal of</b></p> <p>11 <b>Goodwin Junior High School. It says you</b></p> <p>12 <b>completed your elementary internship</b></p> <p>13 <b>under him and that he did not hire you.</b></p> <p>14 <b>What summer was that?</b></p> <p>15 A. Summer of 1999.</p> <p>16 <b>Q. And you interviewed for a teaching</b></p> <p>17 <b>position?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Did he recommend that you be hired?</b></p> <p>20 A. I don't know what he did. He told me</p> <p>21 that he had to hire a white female on</p> <p>22 one occasion. Then he told me he had to</p> <p>23 hire a male on another occasion.</p>	<p style="text-align: right;">174</p> <p>1 some of the repercussions of your</p> <p>2 association toward your mother or with</p> <p>3 your mother. These are some of the</p> <p>4 string of events that lead me to where</p> <p>5 we are now.</p> <p>6 <b>Q. And I just --</b></p> <p>7 A. Initially -- I'm sorry. Initially, you</p> <p>8 don't want to look at it as that, but</p> <p>9 when you look at the frequency of the</p> <p>10 events.</p> <p>11 <b>Q. Well, I guess -- I mean, you were</b></p> <p>12 <b>ultimately hired that year. So I guess</b></p> <p>13 <b>I'm just trying to understand. I don't</b></p> <p>14 <b>know whether there would be -- I mean,</b></p> <p>15 <b>I'm just trying to understand whether</b></p> <p>16 <b>your lawsuit is about some job at some</b></p> <p>17 <b>other school that you didn't get in '99.</b></p> <p>18 <b>Can you clarify that or ...</b></p> <p>19 MR. PATTY: Well, I mean --</p> <p>20 MRS. CARTER: It's a little</p> <p>21 bit unclear because of</p> <p>22 the way his EEOC charge</p> <p>23 was. And I don't want</p>
<p style="text-align: right;">173</p> <p>1 Nevertheless, I didn't get hired.</p> <p>2 <b>Q. In the summer -- did you interview with</b></p> <p>3 <b>him more than once in the Summer of '99?</b></p> <p>4 A. No, it was just that once.</p> <p>5 <b>Q. Mr. Johnson not hiring you -- well, and</b></p> <p>6 <b>your lawyer can help me clarify this.</b></p> <p>7 <b>In 1999, you ultimately got a teaching</b></p> <p>8 <b>job, so I guess my question is: Do you</b></p> <p>9 <b>have a complaint of discrimination or</b></p> <p>10 <b>retaliation regarding any of the jobs</b></p> <p>11 <b>you would have interviewed for and not</b></p> <p>12 <b>awarded?</b></p> <p>13 A. Some of these circumstances are in the</p> <p>14 sequence of the event that I've alleged</p> <p>15 that led up to where we are now.</p> <p>16 Constantly going through interviews,</p> <p>17 everybody pulling some red tape at the</p> <p>18 last minute why they can't hire you,</p> <p>19 which leads to there's a reason. Based</p> <p>20 on what I've always been told more</p> <p>21 recently, you know, your problem is</p> <p>22 because your mother filed her complaint</p> <p>23 and you're just like her, and these are</p>	<p style="text-align: right;">175</p> <p>1 to be harassing, but I</p> <p>2 don't want to not ask</p> <p>3 about something and</p> <p>4 then find out that this</p> <p>5 involves all kinds of</p> <p>6 stuff I never</p> <p>7 questioned him about.</p> <p>8 MR. PATTY: Yeah. I mean, I</p> <p>9 think the best way to</p> <p>10 pursue that, because</p> <p>11 he's not a lawyer, is</p> <p>12 to just ask him about</p> <p>13 the jobs, and say, you</p> <p>14 know, about the</p> <p>15 circumstances of those</p> <p>16 particular jobs. I</p> <p>17 know in the Complaint</p> <p>18 we identified a very</p> <p>19 specific job.</p> <p>20 MRS. CARTER: Right.</p> <p>21 MR. PATTY: And then in this</p> <p>22 document, he also</p> <p>23 identifies some -- some</p>

<p>176</p> <p>1 different jobs like in 2 No. 7 and 9 or 3 something like that. 4 MRS. CARTER: I know. And 5 that's what I was 6 focusing on. I just 7 didn't know -- I mean, 8 and we can do that, and 9 we can -- 10 MR. PATTY: I think it's 11 very difficult for him. 12 I think what he's 13 trying to tell you is 14 it's very difficult. 15 You know, you go -- he 16 goes to the job and 17 these circumstances 18 happen. Then the 19 things he is told later 20 make him feel like 21 there's something else 22 going on. So I -- I 23 mean, he can just tell</p>	<p>178</p> <p>1 for example, that 2 Mr. Vince Johnson did 3 not hire you in 4 retaliation for 5 something. Because I 6 need to know -- 7 MR. PATTY: I think 8 there's -- let me back 9 up. I think there's 10 other ways to do that. 11 I think you do it 12 through a -- you do it 13 through a contention 14 interrogatory or 15 whatever. But I don't 16 know that -- I mean, 17 I'm just saying, he's 18 going to answer 19 whatever factually he 20 knows about all these 21 cases. He can also 22 give you -- 23 MRS. CARTER: I'll just have</p>
<p>177</p> <p>1 you what the facts are 2 about it. And then I 3 guess we have to figure 4 out from there about 5 the -- or what he knows 6 about it or -- 7 MRS. CARTER: Well, I just 8 want him to be clear 9 based on his position 10 today, regardless of 11 whether you're a lawyer 12 or not, on whether 13 you're making a 14 discrimination claim or 15 retaliation claim about 16 any job we talk about. 17 I mean, you either know 18 that or not, whether 19 you're making that 20 claim, regardless of 21 what that means or what 22 the evidence might be, 23 whether you feel like,</p>	<p>179</p> <p>1 to ask every one of the 2 questions I would ask 3 for every single job, 4 but we might be here a 5 week. 6 MR. PATTY: But he can give 7 you an opinion as to, 8 I'm sure, what he knows 9 or what he's learned or 10 what he thinks and all 11 of that. But, I mean, 12 it's very difficult for 13 a layperson to say I 14 have evidence of this 15 or evidence of that. I 16 mean, I think he's 17 trying to work through 18 it as best he can. 19 MRS. CARTER: I don't think 20 that he's not being 21 cooperative. I was 22 just trying to clarify 23 to make this easier.</p>



<p>180</p> <p>1 And if we can't do it 2 like that and y'all 3 don't want to reach 4 some kind of agreement 5 about what jobs he's 6 complaining about, then 7 we'll just . . . 8 MR. PATTY: Just wait for a 9 question. 10 MRS. CARTER: Yeah, let me 11 ask a question. 12 BY MRS. CARTER: 13 <b>Q. Do you have any evidence that</b> 14 <b>Mr. Johnson didn't hire you because of</b> 15 <b>your mother's grievance or claim?</b> 16 MR. PATTY: Object to the 17 form. 18 MRS. CARTER: And I just 19 want to say for the 20 Record to clarify that 21 we're not -- that based 22 on -- just because I'm 23 asking these questions,</p>	<p>182</p> <p>1 for -- 2 <b>Q. We're going to get a little tougher</b> 3 <b>since we're going to play like this.</b> 4 A. Okay. 5 <b>Q. My question is: Do you have any</b> 6 <b>evidence that Vince Johnson did not hire</b> 7 <b>you or did not offer you a job because</b> 8 <b>your mother has ever filed a claim</b> 9 <b>against the school?</b> 10 MR. PATTY: Object to the 11 form. 12 A. Not with Vince Johnson. He never 13 communicated that to me. 14 <b>Q. And that's fine. I just want to -- I</b> 15 <b>want to ask you about it if you do.</b> 16 A. Okay. 17 <b>Q. All right. Mrs. Teresa Goodson, when</b> 18 <b>did you interview with her?</b> 19 A. That was also the Summer of '99. 20 <b>Q. Okay. And you interviewed for a</b> 21 <b>teaching job there, I guess?</b> 22 A. Yes. 23 <b>Q. And did she -- did you have any</b></p>
<p>181</p> <p>1 that we're not 2 conceding that she had 3 a claim or lawsuit, 4 because I was unable to 5 find any evidence of 6 that. So we can get 7 into that later. But 8 for the purposes of 9 this deposition, I 10 should have said that 11 earlier. 12 You know, it's my 13 understanding that's 14 your position, so I'll 15 ask you questions based 16 on that assumption. 17 BY MRS. CARTER: 18 <b>Q. Do you have any evidence that</b> 19 <b>Mr. Johnson didn't offer you a job for</b> 20 <b>that reason?</b> 21 A. To answer that question as best as I 22 can, those items there are just to 23 provide, as I said, the background</p>	<p>183</p> <p>1 <b>communications with her about why you</b> 2 <b>were not hired?</b> 3 A. No. The interview didn't start 4 favorably, and it didn't end favorably. 5 <b>Q. Okay. Do you have any evidence that</b> 6 <b>that interview -- that she didn't give</b> 7 <b>you a job because of your mother?</b> 8 A. No. 9 <b>Q. Do you have any evidence that she didn't</b> 10 <b>give you a job because of your race or</b> 11 <b>your sex?</b> 12 MR. PATTY: Object to the 13 form. 14 A. No. Because I'm not alleging that in 15 that. That addendum doesn't even -- 16 it's not even suggesting that, so, no. 17 <b>Q. What are you alleging in this addendum?</b> 18 A. I'm alleging that those items there are 19 showing a pattern where I have been 20 overlooked for various jobs from my 21 initial interest in Montgomery County 22 until now. 23 <b>Q. Well, let me ask you this: In regards</b></p>

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1 to the jobs with James Singleton,  
2 Lillian Sanders, Vince Johnson, and  
3 Teresa Goodson in the Summer of '99, in  
4 regards to any of those four jobs we've  
5 just discussed, do you know who the  
6 other candidates were that were  
7 interviewing for teaching positions?  
8 A. I would have no -- no knowledge of that.  
9 Q. Okay. So it's fair to say then that you  
10 don't have any idea about their  
11 qualifications or how well their  
12 interviews went or things of that  
13 nature?  
14 A. I'm not privileged to have that  
15 information.  
16 Q. Okay. The next one is Dr. Joy Myrick,  
17 who at that time was the Director of  
18 Special Education, Student Support, and  
19 it says you were hired. What job were  
20 you hired with Special Education?  
21 A. That was my first appointment at Daisy  
22 Lawrence. Ms. -- well, now, Dr. Myrick,  
23 Stan Cox, and Ms. Lois Johnson were the

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1 three that I mentioned earlier who  
2 interviewed me. And as far as who hired  
3 me, all three were kind of involved with  
4 the interview and the recommendation  
5 when I first was assigned to --  
6 Q. Okay. So that was that first job you  
7 were talking about?  
8 A. Yes.  
9 Q. Okay. And so Mr. Stan Cox is the next  
10 one. Is that the same job?  
11 A. Yes.  
12 Q. Okay. And then Vera Thompson at  
13 Fitzpatrick Elementary School. It says  
14 hired. That was the next summer?  
15 A. Yeah.  
16 Q. And so you would have interviewed with  
17 her and then been hired at that school?  
18 A. Well, she hired me.  
19 Q. Okay.  
20 A. We didn't interview.  
21 Q. Okay. You didn't have an interview with  
22 her?  
23 A. No.

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1 Q. Okay. Linda Sexton at Vaughn Road  
2 Elementary School, not hired. When did  
3 you interview with her?  
4 A. That was during the Summer of 1999. And  
5 I need to add some information to that.  
6 That particular interview was total  
7 confusion. I was at the central office  
8 to see Ms. Johnson, and Stan -- Mr. Cox,  
9 and Ms. Myrick. And Mr. Barker tracked  
10 me down and said, Melvin, did you know  
11 you had an interview with Ms. Sexton.  
12 And I said, No, I didn't. So we kind of  
13 went back and forth. Ms. Hicks said you  
14 did. I said, Well, I'm telling you  
15 nobody ever called me. When I got into  
16 Ms. Hicks' office, I mean, it was just  
17 like boom, boom, boom. I mean, the  
18 documentation from the little  
19 questionnaire that they fill out from  
20 the interview was there. But nothing --  
21 nothing developed from that.  
22 Q. Okay. Did you interview with  
23 Ms. Sexton?

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1 A. I did.  
2 Q. Okay. You said Ms. Hicks' office. Did  
3 you mean Carolyn Hicks, or did you mean  
4 to say Ms. Sexton?  
5 A. Ms. Carolyn -- we interviewed in  
6 Ms. Carolyn Hicks' office with Ms. Hicks  
7 and Ms. Sexton.  
8 Q. I gotcha. Okay.  
9 A. And the reason I said about the  
10 confusion, I never received a phone call  
11 or notification that I had that  
12 appointment. I was on my way to see  
13 Ms. Johnson, Ms. Cox, and Ms. Myrick.  
14 Q. Do you allege that in the Summer of  
15 1999, that Linda Sexton did not  
16 recommend you for a position based on  
17 your race or sex?  
18 A. I think Ms. Hicks influenced that  
19 decision.  
20 Q. Okay. Do you contend in this lawsuit  
21 that Linda Sexton did not recommend you  
22 based on your race or sex?  
23 A. I don't know if the recommendation was

<p style="text-align: right;">188</p> <p>1 made or denied or if it was influenced.</p> <p>2 <b>Q. Okay. Do you contend in this lawsuit</b></p> <p>3 <b>that you didn't get a job with Linda</b></p> <p>4 <b>Sexton or her school because of your</b></p> <p>5 <b>race or your sex?</b></p> <p>6 A. I'm saying I didn't get the job.</p> <p>7 <b>Q. Do you contend that it was because of</b></p> <p>8 <b>your race or your sex?</b></p> <p>9 MR. PATTY: Object to the</p> <p>10 form.</p> <p>11 <b>Q. Is that one of the claims that you're</b></p> <p>12 <b>making?</b></p> <p>13 A. I would have no knowledge at this point.</p> <p>14 <b>Q. Okay. Do you contend that you didn't</b></p> <p>15 <b>get a job with Linda Sexton because of</b></p> <p>16 <b>your mom or your mom's lawsuit or claim?</b></p> <p>17 A. I would allege that.</p> <p>18 <b>Q. Okay. And what evidence do you have</b></p> <p>19 <b>that you were not given a job at Vaughn</b></p> <p>20 <b>Road Elementary School because of your</b></p> <p>21 <b>mother's claim?</b></p> <p>22 A. Because that interview was held with</p> <p>23 Ms. Hicks, as opposed to any of my other</p>	<p style="text-align: right;">190</p> <p>1 <b>Q. Betsy?</b></p> <p>2 A. Bessie Townsend.</p> <p>3 <b>Q. And she told your mother, who told you?</b></p> <p>4 A. That Ms. Patricia Holden (phonetic) said</p> <p>5 that that's what Carolyn Hicks stated.</p> <p>6 MR. PATTY: It's . . .</p> <p>7 MRS. CARTER: I know. I</p> <p>8 just realized I skipped</p> <p>9 a step.</p> <p>10 BY MRS. CARTER:</p> <p>11 <b>Q. Okay. Bessie Townsend told your mother</b></p> <p>12 <b>that Pat . . .</b></p> <p>13 A. Stated that Ms. Hicks stated that I was</p> <p>14 belligerently arrogant during the</p> <p>15 interview, that I took over the</p> <p>16 interview, and that's why nobody is</p> <p>17 going to hire him, because he's just</p> <p>18 like his mother.</p> <p>19 <b>Q. Okay. And what evidence do you have</b></p> <p>20 <b>that that comment had to do with your</b></p> <p>21 <b>mom filing a claim?</b></p> <p>22 MR. PATTY: Object to the</p> <p>23 form.</p>
<p style="text-align: right;">189</p> <p>1 interviews, and because of a statement</p> <p>2 Ms. Hicks made about my initial</p> <p>3 interview with her, that I was very</p> <p>4 belligerently arrogant, I took over the</p> <p>5 interview, and he's just like his</p> <p>6 mother, and nobody's going to hire him.</p> <p>7 That is my reason for feeling that that</p> <p>8 particular job with Ms. Sexton, that she</p> <p>9 was influenced.</p> <p>10 <b>Q. I gotcha.</b></p> <p>11 A. Ms. Sexton later communicated to me,</p> <p>12 Melvin, what happened? I thought you</p> <p>13 wanted to come to Vaughn Road with me.</p> <p>14 <b>Q. When did Ms. Hicks tell somebody that</b></p> <p>15 <b>you were arrogant, took over the</b></p> <p>16 <b>interview, and just like your mother?</b></p> <p>17 A. She made that statement to one of the</p> <p>18 secretaries in Human Resources, who</p> <p>19 relayed that message to my mother.</p> <p>20 <b>Q. And who's that secretary?</b></p> <p>21 A. The secretary that relayed it to my</p> <p>22 mother was Ms. Bessie Townsend</p> <p>23 (phonetic).</p>	<p style="text-align: right;">191</p> <p>1 Go ahead.</p> <p>2 A. Well, she hadn't murdered or killed</p> <p>3 anybody, so I mean, why would she keep</p> <p>4 making mention of something, quote, just</p> <p>5 like her. I mean, is that in a negative</p> <p>6 manner, positive manner? But when you</p> <p>7 constantly repeat it over and over,</p> <p>8 negative connotations kind of tend to</p> <p>9 cap it.</p> <p>10 <b>Q. Okay. The next one is Tina Minott, and</b></p> <p>11 <b>you were actually hired by Tina Minott?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. The next one is Bullock County, so I</b></p> <p>14 <b>guess now we've skipped forward to the</b></p> <p>15 <b>Summer of '02?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And Julius Thomas was the principal,</b></p> <p>18 <b>Keith Stewart, the superintendent, Lee</b></p> <p>19 <b>Ballard, the assistant superintendent,</b></p> <p>20 <b>and Saint T. Thomas, the superintendent,</b></p> <p>21 <b>and then Ms. Octavia Miles. When you</b></p> <p>22 <b>refer to all of those people, you're</b></p> <p>23 <b>talking about the one job you got,</b></p>



<p style="text-align: right;">192</p> <p>1 <b>right?</b></p> <p>2 A. That was those persons on the interview</p> <p>3 team, yes, ma'am.</p> <p>4 <b>Q. And then the second year that you went</b></p> <p>5 <b>back to Bullock County -- and just going</b></p> <p>6 <b>back to refresh my memory now that we've</b></p> <p>7 <b>got this laid out -- you actually</b></p> <p>8 <b>interviewed for jobs in Montgomery</b></p> <p>9 <b>County, didn't initially get one, so you</b></p> <p>10 <b>started the '03-'04 school year in</b></p> <p>11 <b>Bullock County?</b></p> <p>12 A. I only had one interview that summer.</p> <p>13 If my records serve correct, I only had</p> <p>14 the one interview which was with</p> <p>15 Mr. Linhart the day before school</p> <p>16 started.</p> <p>17 <b>Q. The day before school started. Okay.</b></p> <p>18 <b>Had you applied for other jobs that</b></p> <p>19 <b>summer?</b></p> <p>20 A. I would have to look back at my</p> <p>21 documentation. I'm almost certain that</p> <p>22 I had.</p> <p>23 <b>Q. Okay. Tell me what jobs you applied for</b></p>	<p style="text-align: right;">194</p> <p>1 <b>Q. 5 and 6, I think.</b></p> <p>2 A. 5 and 6 are the same.</p> <p>3 <b>Q. All right. I'm going to look at 5 and</b></p> <p>4 <b>you look at 6.</b></p> <p>5 A. Look at 6.</p> <p>6 <b>Q. But we're looking -- if we realize we're</b></p> <p>7 <b>looking at something different, we'll</b></p> <p>8 <b>stop.</b></p> <p>9 A. Okay.</p> <p>10 <b>Q. Now we're in the Summer of '03. You</b></p> <p>11 <b>began the '03-'04 school year in Bullock</b></p> <p>12 <b>County, but this is talking about the</b></p> <p>13 <b>jobs that you would have applied for</b></p> <p>14 <b>that summer, which is after you had been</b></p> <p>15 <b>in Bullock County for a year, and now</b></p> <p>16 <b>you're applying to come back to</b></p> <p>17 <b>Montgomery?</b></p> <p>18 A. If my memory serves me correct and my</p> <p>19 documentation stands, the summer after</p> <p>20 Southlawn, I didn't apply for anything.</p> <p>21 When I went to Bullock County the first</p> <p>22 time, if my memory and my documentation</p> <p>23 serves me correctly, I didn't apply for</p>
<p style="text-align: right;">193</p> <p>1 <b>in the Summer of '03 that you did not</b></p> <p>2 <b>receive, that you believe was based on</b></p> <p>3 <b>discrimination or retaliation.</b></p> <p>4 A. Let me ask Johnny Patty.</p> <p>5 THE WITNESS: What's the</p> <p>6 first date?</p> <p>7 MR. PATTY: Well, you can</p> <p>8 ask her if you want to</p> <p>9 see a document, but --</p> <p>10 THE WITNESS: Okay.</p> <p>11 MR. PATTY: To refresh your</p> <p>12 recollection. But I</p> <p>13 can't give you dates.</p> <p>14 THE WITNESS: Okay.</p> <p>15 MRS. CARTER: I was just</p> <p>16 waiting for him to</p> <p>17 answer.</p> <p>18 A. Summer of -- what summer?</p> <p>19 <b>Q. Here we are. We are in the summer where</b></p> <p>20 <b>this document picks up. I was thinking</b></p> <p>21 <b>we were a year off. Do you want to</b></p> <p>22 <b>refer to --</b></p> <p>23 A. It's the same, 6 and 7 are the same.</p>	<p style="text-align: right;">195</p> <p>1 anything.</p> <p>2 <b>Q. And that's what I was trying to clarify.</b></p> <p>3 A. I think there might be one documentation</p> <p>4 where I asked to be reassigned, but as</p> <p>5 far as a string of job listings -- if I</p> <p>6 stand to be corrected --</p> <p>7 MR. PATTY: You mean,</p> <p>8 reassigned to</p> <p>9 Southlawn?</p> <p>10 THE WITNESS: Or --</p> <p>11 <b>Q. I will tell you that I believe, if my</b></p> <p>12 <b>memory serves me correctly, that you</b></p> <p>13 <b>sent one letter asking to be reassigned</b></p> <p>14 <b>to Southlawn, and then I didn't see any</b></p> <p>15 <b>other evidence that you --</b></p> <p>16 A. Well, see, that's -- like I say,</p> <p>17 possibly that one.</p> <p>18 MR. PATTY: Okay.</p> <p>19 <b>Q. So then you taught there a year. So now</b></p> <p>20 <b>we're up to speed up until the Summer of</b></p> <p>21 <b>'03?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Where you've been at Bullock County for</b></p>



<p style="text-align: right;">196</p> <p>1 a year, and you've started applying for</p> <p>2 jobs with the Montgomery County Board of</p> <p>3 Education?</p> <p>4 A. Yes.</p> <p>5 Q. And you look at Document 6, and I'll</p> <p>6 look at Document 5. And it says that on</p> <p>7 August 31st of 2003, you applied for the</p> <p>8 administrative assistant position at</p> <p>9 Crump Elementary and Brewbaker Junior</p> <p>10 High School and that you never got an</p> <p>11 interview; is that correct?</p> <p>12 A. Yes, it is.</p> <p>13 Q. Do you claim that their failure for you</p> <p>14 to be awarded one of those jobs was</p> <p>15 based on discrimination and/or</p> <p>16 retaliation?</p> <p>17 A. It's both. And I didn't even receive an</p> <p>18 interview. So we have to go back to not</p> <p>19 even receiving an interview.</p> <p>20 Q. Okay.</p> <p>21 A. I didn't receive an interview or the</p> <p>22 possibility of attaining either one of</p> <p>23 those positions.</p>	<p style="text-align: right;">198</p> <p>1 you didn't get either one of those jobs</p> <p>2 or get interviewed for those jobs</p> <p>3 because of your race?</p> <p>4 MR. PATTY: Object to the</p> <p>5 form.</p> <p>6 A. Well, it kind of stopped with me not</p> <p>7 even getting an interview.</p> <p>8 Q. That's what I said, that you weren't</p> <p>9 interviewed for those jobs because of</p> <p>10 your race?</p> <p>11 MR. PATTY: Object to the</p> <p>12 form.</p> <p>13 Q. What evidence do you have?</p> <p>14 A. I'm not even clear on -- what evidence</p> <p>15 do I have? I don't have any. I'm just</p> <p>16 showing a frequency of the events that</p> <p>17 lead up to the current events.</p> <p>18 Q. Okay. Do you know who was awarded the</p> <p>19 job that you wanted at Crump Elementary?</p> <p>20 A. I would have to go back through</p> <p>21 personnel minutes to see who was</p> <p>22 afforded that job.</p> <p>23 Q. So sitting here today, you don't know</p>
<p style="text-align: right;">197</p> <p>1 Q. Okay. Tell me, do you know whether or</p> <p>2 not all applicants received an interview</p> <p>3 for those jobs?</p> <p>4 A. Well, I have no way of knowing that.</p> <p>5 Q. So you don't know who out of the</p> <p>6 applicant pull was interviewed for those</p> <p>7 positions?</p> <p>8 A. No, I don't.</p> <p>9 Q. Okay. What evidence do you have that</p> <p>10 you weren't interviewed for those</p> <p>11 positions based on your race?</p> <p>12 MR. PATTY: Object to the</p> <p>13 form.</p> <p>14 A. Again, this is showing a series of</p> <p>15 events leading to the last couple of</p> <p>16 incidents that were very -- that were</p> <p>17 more vivid than these.</p> <p>18 Q. Okay. And that's fine. And we'll get</p> <p>19 there, but I have to --</p> <p>20 A. Okay. I understand.</p> <p>21 Q. Your attorney will explain to you. I</p> <p>22 have to trudge through it.</p> <p>23 What evidence do you have that</p>	<p style="text-align: right;">199</p> <p>1 who got that job?</p> <p>2 A. I couldn't call all of these off the top</p> <p>3 of my head.</p> <p>4 Q. So do you know, sitting here today, what</p> <p>5 the qualifications were of that person?</p> <p>6 A. Not off the top -- that's privileged</p> <p>7 information. I wouldn't have that.</p> <p>8 Q. Do you know what the race or the sex was</p> <p>9 of that person?</p> <p>10 A. Not without looking at the personnel</p> <p>11 minutes.</p> <p>12 Q. All right. What about at Brewbaker</p> <p>13 Junior High School, who got that job?</p> <p>14 A. I'm not sure. I would have to look at</p> <p>15 the personnel minutes.</p> <p>16 Q. So sitting here today then, do you</p> <p>17 maintain that you were more qualified</p> <p>18 than either of those two individuals?</p> <p>19 A. In some instances, I probably would have</p> <p>20 been.</p> <p>21 Q. Okay. And I understand that. But do</p> <p>22 you maintain or can you tell us here</p> <p>23 today that you were more qualified than</p>

<p style="text-align: right;">200</p> <p>1 <b>those two individuals?</b></p> <p>2 A. I would have to know who those persons</p> <p>3 were and then rank their qualifications</p> <p>4 to mine.</p> <p>5 <b>Q. Well, when you sent this letter on</b></p> <p>6 <b>August 2nd saying that you had been --</b></p> <p>7 <b>that you were a victim, or you don't use</b></p> <p>8 <b>the word "victim," but the</b></p> <p>9 <b>discriminatory practice of racial and</b></p> <p>10 <b>gender discrimination, what jobs on this</b></p> <p>11 <b>document were you referring to?</b></p> <p>12 A. We can go through a series of them.</p> <p>13 When I sent this in, I either</p> <p>14 had already reviewed or had reviewed the</p> <p>15 personnel report to see if it</p> <p>16 was either -- I can almost tell you</p> <p>17 there were not that many black men, and</p> <p>18 there probably were not that many black</p> <p>19 women. And the documents will prove it.</p> <p>20 If we go back to the personnel report --</p> <p>21 <b>Q. When you say "not that many" -- I</b></p> <p>22 <b>apologize, I'm not sure what -- not that</b></p> <p>23 <b>many meaning in reference to the jobs</b></p>	<p style="text-align: right;">202</p> <p>1 A. They were -- and if I stand corrected, I</p> <p>2 think they were advertised at the same</p> <p>3 time.</p> <p>4 <b>Q. Okay. Oh, for that date. I gotcha.</b></p> <p>5 <b>And you were not granted an interview</b></p> <p>6 <b>for any of those positions?</b></p> <p>7 A. No, I wasn't.</p> <p>8 <b>Q. Is it your testimony that you had the</b></p> <p>9 <b>qualifications and certifications to</b></p> <p>10 <b>fill any of those positions?</b></p> <p>11 A. Yes, it is.</p> <p>12 <b>Q. Okay. Do you know, sitting here today,</b></p> <p>13 <b>who was awarded those positions?</b></p> <p>14 A. I would have to look at the personnel</p> <p>15 minutes. Because if you look at the</p> <p>16 year on here -- I would have to go back</p> <p>17 and look at the personnel minutes. But</p> <p>18 whatever I was looking at when I wrote</p> <p>19 this, it was substantial enough for me</p> <p>20 to be able to validate this.</p> <p>21 <b>Q. Well, let me ask you this: Were there</b></p> <p>22 <b>any jobs that you applied for that</b></p> <p>23 <b>summer that you didn't include in this</b></p>
<p style="text-align: right;">201</p> <p>1 <b>that are on here?</b></p> <p>2 A. When you look on here, the ones that I</p> <p>3 did list who -- you know, the white</p> <p>4 female or white person received that</p> <p>5 job, just rule out there was a white</p> <p>6 person, it wasn't a black one. It was a</p> <p>7 white female. It wasn't a black female.</p> <p>8 <b>Q. Well, do you feel like that if it was a</b></p> <p>9 <b>white person, that that means you</b></p> <p>10 <b>automatically were discriminated against</b></p> <p>11 <b>based on your race?</b></p> <p>12 A. No, I'm not. That would be a factor.</p> <p>13 If I was, that would be an additional</p> <p>14 factor.</p> <p>15 <b>Q. The September 1st, 2003, it says you</b></p> <p>16 <b>applied for Educational Specialist,</b></p> <p>17 <b>Educational Technology Professional</b></p> <p>18 <b>Development Program Coordinator, in</b></p> <p>19 <b>Title I School-wide Instructional</b></p> <p>20 <b>Assistant position. Did you group those</b></p> <p>21 <b>together because they're similar in --</b></p> <p>22 <b>and excuse my ignorance -- but like</b></p> <p>23 <b>they're similar in type or ...</b></p>	<p style="text-align: right;">203</p> <p>1 <b>letter?</b></p> <p>2 A. No. Because all of the jobs I applied</p> <p>3 for, I sent them certified mail. So all</p> <p>4 of them are listed.</p> <p>5 <b>Q. Okay. So every job that you would have</b></p> <p>6 <b>applied for that summer, you have in</b></p> <p>7 <b>some way reflected on this document?</b></p> <p>8 A. Yes. All of those where -- that I</p> <p>9 qualified for.</p> <p>10 <b>Q. So is it fair to say then, that you have</b></p> <p>11 <b>included every job on this claim of</b></p> <p>12 <b>discrimination that you applied for,</b></p> <p>13 <b>regardless of who was awarded the</b></p> <p>14 <b>position?</b></p> <p>15 A. Every job that's on here is every job</p> <p>16 that I applied for that I met the</p> <p>17 qualifications.</p> <p>18 <b>Q. So is it your testimony that you should</b></p> <p>19 <b>have been given any of the jobs you</b></p> <p>20 <b>applied for over the person who was</b></p> <p>21 <b>actually awarded the position?</b></p> <p>22 MR. PATTY: Object to the</p> <p>23 form.</p>

<p style="text-align: right;">204</p> <p>1 A. I could have been given the opportunity 2 to interview. 3 <b>Q. Okay. Well, do you know -- in looking</b> 4 <b>at No. 2, September 1st, 2003, do you</b> 5 <b>know who determined who would be</b> 6 <b>interviewed for those positions?</b> 7 A. I would assume, according to best 8 practice, that would be a decision from 9 Human Resources. 10 <b>Q. What do you mean when you say "according</b> 11 <b>to best practice"?</b> 12 A. You have best practice procedures in any 13 organization, what you would define as 14 the most logical, most ethically sound 15 premise to base your decision. So when 16 I say best practice, the best possible 17 approach would have come from Human 18 Resources to make those decisions of who 19 we screen for interviews and who we 20 interview. 21 <b>Q. Okay. Well, aside from what you think</b> 22 <b>the best practice is, do you know,</b> 23 <b>sitting here today, who determined or</b></p>	<p style="text-align: right;">206</p> <p>1 that's one of the qualification when you 2 start ranking. Some of them I would 3 know. Others, I would not. But if 4 there's a set system that you're using, 5 it's not a problem. 6 <b>Q. Do you know what qualities or</b> 7 <b>characteristics the Board was looking</b> 8 <b>for when they hired the positions you've</b> 9 <b>listed here in No. 2?</b> 10 A. None other than what's listed on the job 11 announcement. 12 <b>Q. No. 3 says you applied for the</b> 13 <b>administrative assistant position at</b> 14 <b>Robert E. Lee High School and that you</b> 15 <b>were never given an interview?</b> 16 A. That is correct. 17 <b>Q. Do you know who was given that job?</b> 18 A. I don't know. 19 <b>Q. Do you know the race of that person?</b> 20 A. I don't know. 21 <b>Q. Do you know the sex of that person?</b> 22 A. I don't know. I want to say -- and I 23 may stand corrected, the person that</p>
<p style="text-align: right;">205</p> <p>1 <b>who ascertained what people would be</b> 2 <b>interviewed for the educational</b> 3 <b>specialist or these other jobs that are</b> 4 <b>listed here?</b> 5 A. That's a Human -- it's supposed to be a 6 Human Resource issue. 7 <b>Q. Do you know who actually conducted the</b> 8 <b>interviews?</b> 9 A. I was not afforded the interview, so I 10 wouldn't know who interviewed. I'm just 11 assuming that it would be Human 12 Resources or their decision. 13 <b>Q. Do you know if all applicants were</b> 14 <b>afforded an interview, or there were</b> 15 <b>some applicants, along with you, who</b> 16 <b>were not awarded an interview?</b> 17 A. I wouldn't have any -- I wouldn't have 18 that information. 19 <b>Q. And you can't, sitting here today,</b> 20 <b>compare your qualifications with any of</b> 21 <b>the people who got these jobs?</b> 22 A. Some of the people that don't have the 23 educational background that I, and</p>	<p style="text-align: right;">207</p> <p>1 reports may defend this -- I want to say 2 a white female received that position. 3 <b>Q. You're just basing that on memory?</b> 4 A. From personnel reports, yes. 5 <b>Q. Do you know what your qualifications</b> 6 <b>were compared to her?</b> 7 A. I was either in the process of 8 completing my Specialist or had 9 completed it or -- I was certified. I 10 clearly met the qualifications. 11 <b>Q. Okay. In the Summer of 2003, had you</b> 12 <b>ever been in an administrative position</b> 13 <b>anywhere?</b> 14 A. No. 15 <b>Q. In the Summer of 2003, had you ever</b> 16 <b>worked in a high school?</b> 17 A. No. 18 <b>Q. No. 4 says September the 17th, 2003,</b> 19 <b>that you applied for an Education</b> 20 <b>Specialist position in the Office of</b> 21 <b>Student and Community Services, that you</b> 22 <b>didn't receive an interview, and that</b> 23 <b>Susan Terrell received the position.</b></p>



<p style="text-align: right;">208</p> <p>1 <b>What is --</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. That's a female, I guess.</b></p> <p>4 A. White female, yes.</p> <p>5 <b>Q. White female. Do you know anything</b></p> <p>6 <b>about her qualifications?</b></p> <p>7 A. No, I don't.</p> <p>8 <b>Q. Do you know how they decided who would</b></p> <p>9 <b>be interviewed for the position?</b></p> <p>10 A. No, I don't.</p> <p>11 <b>Q. Do you know whether all applicants were</b></p> <p>12 <b>interviewed, other than yourself?</b></p> <p>13 A. No, I don't.</p> <p>14 <b>Q. Did you list this Education Specialist</b></p> <p>15 <b>position -- is that different than the</b></p> <p>16 <b>one you've listed two spaces up?</b></p> <p>17 A. It's a different one, yes. Different</p> <p>18 department, yes.</p> <p>19 <b>Q. I'm sorry. Did I already ask you this:</b></p> <p>20 <b>Do you know what Susan Terrell's</b></p> <p>21 <b>qualifications are?</b></p> <p>22 A. You did. And I told you I don't know.</p> <p>23 <b>Q. Okay. I'm sorry. No. 5, September</b></p>	<p style="text-align: right;">210</p> <p>1 A. Well, when you look at those</p> <p>2 allegations, that should have been</p> <p>3 privileged information. How did</p> <p>4 everybody have knowledge of that?</p> <p>5 <b>Q. I understand that. But did you feel</b></p> <p>6 <b>that's what she was talking about when</b></p> <p>7 <b>she made that comment?</b></p> <p>8 A. Possibly.</p> <p>9 <b>Q. Did she make any comment about your race</b></p> <p>10 <b>or your sex?</b></p> <p>11 A. No.</p> <p>12 <b>Q. Did she make any comment about your</b></p> <p>13 <b>mom's prior claim against the school</b></p> <p>14 <b>board?</b></p> <p>15 A. No.</p> <p>16 <b>Q. Looking at the next one, September</b></p> <p>17 <b>17th, 2003, you applied for a teacher</b></p> <p>18 <b>position at McKee, and you never</b></p> <p>19 <b>received an interview. Who was the</b></p> <p>20 <b>principal at McKee that year?</b></p> <p>21 A. Ms. Lillian Sanders.</p> <p>22 <b>Q. And she did not interview you?</b></p> <p>23 A. No. This was when she clarified to me</p>
<p style="text-align: right;">209</p> <p>1 <b>17th, 2003, you applied for a teacher</b></p> <p>2 <b>position at Brewbaker Intermediate</b></p> <p>3 <b>School. It says you interviewed, but</b></p> <p>4 <b>that you received negative verbal</b></p> <p>5 <b>feedback from the administrator during</b></p> <p>6 <b>the interview? Tell me what happened</b></p> <p>7 <b>there.</b></p> <p>8 A. Ms. Debra Clark (phonetic) interviewed</p> <p>9 me. She told me that she didn't think</p> <p>10 that I would work out at Brewbaker. She</p> <p>11 said, I think you're geared towards</p> <p>12 something in administration, and,</p> <p>13 Melvin, you need to keep working on</p> <p>14 that. We ended -- the interview didn't</p> <p>15 take thirty minutes. Later that</p> <p>16 afternoon, Ms. Virginia Browder notified</p> <p>17 my mother that Ms. Clark said she wasn't</p> <p>18 going to hire Melvin, because she didn't</p> <p>19 want her students beat.</p> <p>20 <b>Q. So based on that information, was it</b></p> <p>21 <b>your feeling that she didn't want to</b></p> <p>22 <b>hire you because of the allegations</b></p> <p>23 <b>against you at Southlawn?</b></p>	<p style="text-align: right;">211</p> <p>1 and my mother that, I don't want you-all</p> <p>2 mad at me, but Ms. Hicks talked me out</p> <p>3 of hiring Melvin. But she was at --</p> <p>4 <b>Q. Okay. You told me that was in 1999.</b></p> <p>5 <b>Did that happen again or are you --</b></p> <p>6 A. No. This was when she told us what</p> <p>7 happened in 1999.</p> <p>8 <b>Q. Okay. Okay, I'm sorry. So in 2003, you</b></p> <p>9 <b>didn't interview with her, but you had a</b></p> <p>10 <b>conversation?</b></p> <p>11 A. She ran into us at the mall. And this</p> <p>12 is what she told us, the reason that</p> <p>13 when I applied for this job. Because I</p> <p>14 even faxed my information to the school</p> <p>15 to her. And she communicated this to me</p> <p>16 during the Summer of '03.</p> <p>17 <b>Q. And what did she say again?</b></p> <p>18 A. She just said that, I don't want y'all</p> <p>19 mad with me, but Ms. Hicks kinda talked</p> <p>20 me out of hiring Melvin when I was at</p> <p>21 Hayneville Road.</p> <p>22 <b>Q. And I think you've already told us what</b></p> <p>23 <b>Ms. Hicks allegedly said to her; is that</b></p>



<p style="text-align: right;">212</p> <p>1 correct?</p> <p>2 A. I don't know what Ms. Hicks said to her,</p> <p>3 but Ms. Sanders said she talked her out</p> <p>4 of hiring me.</p> <p>5 Q. The next one says June 3rd -- 30th,</p> <p>6 excuse me, 2003, you submitted a letter</p> <p>7 of reactivation of my employment</p> <p>8 application for positions with</p> <p>9 Montgomery County Public Schools, and</p> <p>10 you never received an interview. Tell</p> <p>11 me what you mean by that.</p> <p>12 A. I want to say that is where I sent a</p> <p>13 letter asking to get my file to be</p> <p>14 reactivated and positioned for</p> <p>15 interview. And it never took place. I</p> <p>16 never received any interviews.</p> <p>17 Q. That's the summer that you didn't</p> <p>18 receive any interviews until you</p> <p>19 interviewed the day before school</p> <p>20 started?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And is it your contention here</p> <p>23 that you were not interviewed during</p>	<p style="text-align: right;">214</p> <p>1 knew about it; did they not?</p> <p>2 A. One of the other teachers where?</p> <p>3 Q. One of the teachers we just talked about</p> <p>4 you said told somebody that she didn't</p> <p>5 hire you because she didn't want you to</p> <p>6 beat up her students?</p> <p>7 A. That was the principal.</p> <p>8 Q. Oh, excuse me. One of the other</p> <p>9 principals, excuse me.</p> <p>10 A. The principal. Now, how they knew about</p> <p>11 it, I'm puzzled with that myself. And</p> <p>12 as far as what happened at any other</p> <p>13 schools, what I said earlier, I never</p> <p>14 got any letters of reprimand, any verbal</p> <p>15 reprimands, so who was saying all of</p> <p>16 this, and where is it coming from?</p> <p>17 Everybody knows more about it than me,</p> <p>18 and I was the one who was there.</p> <p>19 Q. Okay. On No. 8, it says for clarity and</p> <p>20 explanation for the above, at this</p> <p>21 particular time you had accepted a</p> <p>22 teaching job in Bullock County. It says</p> <p>23 that under the direction of your</p>
<p style="text-align: right;">213</p> <p>1 that summer, up until that day, because</p> <p>2 of your race or sex?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And tell me, if you would, what</p> <p>5 evidence you have that you were not</p> <p>6 given interviews during the course of</p> <p>7 that summer because of your race or your</p> <p>8 sex?</p> <p>9 MR. PATTY: Object to the</p> <p>10 form.</p> <p>11 A. What other reason? I mean, you have a</p> <p>12 string of jobs here that I didn't even</p> <p>13 get an interview for, so what other</p> <p>14 reason? I mean, I'm throwing that as a</p> <p>15 rhetorical, but what other reason? I</p> <p>16 was certified. I wasn't a convict.</p> <p>17 Q. Did you ever feel like it was because of</p> <p>18 what happened at Southlawn or the other</p> <p>19 schools?</p> <p>20 A. No. Because what happened at Southlawn</p> <p>21 was privileged information. It was not</p> <p>22 public knowledge. And as far as --</p> <p>23 Q. At least one of these other teachers</p>	<p style="text-align: right;">215</p> <p>1 attorney, Julian McPhillips, that you</p> <p>2 applied for all of the above-listed</p> <p>3 positions via certified mail. And at</p> <p>4 the beginning of the school year for</p> <p>5 2003-2004, that you returned to Bullock</p> <p>6 County. And then October of 2004, was</p> <p>7 interviewed for a reading coach position</p> <p>8 in Montgomery County at Daisy Lawrence</p> <p>9 Elementary Alternative School.</p> <p>10 Was Mr. McPhillips helping you</p> <p>11 draft this information at the time?</p> <p>12 A. I was under his advice.</p> <p>13 Q. Okay. That's fair enough. It says the</p> <p>14 school board at the rate of pay as a</p> <p>15 tutor-teacher hired you. However, you</p> <p>16 were assigned and performed reading</p> <p>17 coach duties. And the salary matrix for</p> <p>18 reading coaches is greater than that of</p> <p>19 a teacher and a tutor-teacher. And I</p> <p>20 know that before lunch we already talked</p> <p>21 about that a good bit. And, I guess I</p> <p>22 want for clarification, you to tell me,</p> <p>23 if you can, who told you that you were</p>

<p style="text-align: right;">216</p> <p>1 <b>going to be a reading coach, every</b> 2 <b>person that told you that.</b> 3 A. Dr. Owens was the person who positioned 4 me about the reading coach position. He 5 was the one who interviewed me about the 6 reading coach position. And Mr. Barker 7 was the first person who ever told me 8 anything about a reading coach position. 9 Reading coach positions was a 10 new concept to instruction. And I knew 11 nothing about a reading coach when I was 12 in Bullock County. 13 <b>Q. At the time that you actually got the</b> 14 <b>job and began to be paid for the job,</b> 15 <b>you understood, though, that it wasn't a</b> 16 <b>reading coach position, correct?</b> 17 A. Once I got back to Mr. Barker's office 18 to sign the contract -- 19 <b>Q. Right.</b> 20 A. -- it was clear that it was changed, and 21 it wasn't a reading coach position. 22 <b>Q. So at the time that you signed your</b> 23 <b>contract and began that job, you</b></p>	<p style="text-align: right;">218</p> <p>1 coaches; and when you don't have a 2 homeroom as all classroom teachers do; 3 when you provide the assessment data to 4 the office of curriculum instruction; 5 when the assistant superintendent of 6 curriculum instruction identifies you as 7 a reading coach when he requests that 8 you go to payroll and get your finances 9 worked out, because you're supposed to 10 be a reading coach; I mean, you kinda 11 say, okay -- and then, you know what you 12 were interviewed for; you know what the 13 four women before you were interviewed 14 for by Dr. Owens, so you kind of know. 15 I mean, then the communication between 16 Bullock County and Montgomery County, 17 what he was being released out of his 18 teaching contract to come to Montgomery 19 County for, you know, you kind of hear 20 it so much, you know what reading coach 21 sounds like. 22 <b>Q. Were there any other teacher-tutors who</b> 23 <b>attended reading coach meetings?</b></p>
<p style="text-align: right;">217</p> <p>1 <b>understood you were not in a reading</b> 2 <b>coach position?</b> 3 A. Even to the point when I got back to 4 Daisy Lawrence, when I was still tasked 5 with those responsibilities from the 6 school and from central office to 7 perform reading coach duties. 8 <b>Q. So then, this correspondence to the EEOC</b> 9 <b>picks up in May of 2004. So during the</b> 10 <b>'03-'04 school year, it's your</b> 11 <b>contention that you performed the duties</b> 12 <b>of a reading coach?</b> 13 A. Yes, it is. 14 <b>Q. How do you know that your duties were</b> 15 <b>specifically what a reading coach would</b> 16 <b>do if you didn't know anything about</b> 17 <b>what a reading coach did?</b> 18 A. Well, I read -- okay. When you were 19 tasked to go to all of the meetings with 20 the reading coaches, attend the 21 leadership meetings with the reading 22 coaches and the principals; when you 23 perform the same duties as other reading</p>	<p style="text-align: right;">219</p> <p>1 A. No. 2 <b>Q. How do you know?</b> 3 A. All persons in the reading coach 4 meetings were clearly identified as 5 reading coaches, because the majority of 6 them were white women who were already 7 on the ten-month contract. And then the 8 few black women who were reading 9 coaches, they were on ten-month 10 contracts. I was the only male being 11 paid as a teacher-tutor or tutor-teacher 12 when I was performing reading coach 13 duties and attending the meetings. I 14 even attended some meetings with my 15 principal and other principals and their 16 reading coaches. 17 <b>Q. Is it your contention that you were</b> 18 <b>treated like that because of your sex?</b> 19 A. Treated like what? 20 <b>Q. That you were given reading coach</b> 21 <b>responsibilities, but not paid like one?</b> 22 MR. PATTY: Object to the 23 form.</p>

<p style="text-align: right;">220</p> <p>1 A. Any male or female could perform reading 2 coach duties if they were competent. 3 <b>Q. Yes, sir. I'm sorry. I probably asked</b> 4 <b>a bad question.</b> 5 <b>Is it your contention that you</b> 6 <b>were given a reading coach job, but</b> 7 <b>actually paid as a teacher-tutor or</b> 8 <b>tutor-teacher because you were a male?</b> 9 A. No. Because I was Melvin Lowe. 10 <b>Q. Okay. So in regards to that particular</b> 11 <b>job or treatment, you believe it was</b> 12 <b>because of who you were?</b> 13 MR. PATTY: Object to the 14 form. 15 <b>Q. And what did you mean by that?</b> 16 A. Mr. Barker was the first person who 17 mentioned to me and my mother about a 18 reading coach position. I didn't know 19 anything about it. 20 <b>Q. Okay. My --</b> 21 A. Okay, go ahead. 22 <b>Q. I think at this point that I really</b> 23 <b>understand --</b></p>	<p style="text-align: right;">222</p> <p>1 mean, we went back and forth, because I 2 knew what I was told and what I 3 interviewed for. And then it finally 4 came up when Mr. Barker said, up to the 5 previous summer, that Mr. Carter said 6 you're only going to be a classroom 7 teacher. 8 <b>Q. So that is when -- you were having this</b> 9 <b>conversation with Jimmy Barker about why</b> 10 <b>your contract says one thing --</b> 11 A. Why am I asked to put something else on 12 this contract other than what Dr. Owens 13 told Ms. Hicks. He wanted me for his 14 reading coach. And Mr. Barker and 15 Mr. Ballard worked out the arrangements 16 in Bullock County. Everybody knew what 17 I was coming back to Montgomery County 18 for. 19 <b>Q. And so it was in this conversation with</b> 20 <b>Jimmy Barker that he said to you that</b> 21 <b>Dr. Carter said you would never be</b> 22 <b>anything but a teacher in this --</b> 23 A. All you're going to be in a classroom</p>
<p style="text-align: right;">221</p> <p>1 A. Okay. 2 <b>Q. -- what your position is about the fact</b> 3 <b>that you were acting as a reading coach</b> 4 <b>or being a reading coach and not paid as</b> 5 <b>one or given a job as one. I gotcha on</b> 6 <b>that.</b> 7 <b>I want to talk about, now, you</b> 8 <b>know, why you believe that happened and</b> 9 <b>what evidence you have to support that.</b> 10 <b>You've said it was not about your sex,</b> 11 <b>that it was about the fact that you were</b> 12 <b>Melvin Lowe. And my question is: What</b> 13 <b>do you mean by that?</b> 14 A. Well, it's both. Mr. Barker told me 15 when I asked him, when I got ready to 16 sign my contract, This says you want me 17 to put on here tutor-teacher or reading 18 tutor, whatever the contract has. And I 19 said, This is not what Dr. Owens 20 interviewed me for. Mr. Barker said, 21 Well, Melvin, you followed the wrong 22 procedures, you know we don't operate 23 like that. It's a reading tutor. And I</p>	<p style="text-align: right;">223</p> <p>1 teacher. 2 <b>Q. All you're going to be is a classroom</b> 3 <b>teacher. And it was during that</b> 4 <b>conversation that Mr. Barker told you</b> 5 <b>that?</b> 6 A. Yes. 7 <b>Q. Okay. What did you say in response to</b> 8 <b>that?</b> 9 A. What could I say? My back was against 10 the wall. I had already resigned from 11 Bullock County. I think I told 12 Mr. Barker, you know, I'm already off 13 payroll for two or three days or however 14 many days it was. I had to accept it. 15 <b>Q. Were you making more or less money in</b> 16 <b>Montgomery County than you were in</b> 17 <b>Bullock County?</b> 18 A. When I came back to Montgomery County, 19 being that the school year had already 20 started, I would have been making less, 21 being on a nine-month contract, coming 22 back to a nine-month contract. Because 23 the fiscal year had started, my money</p>



<p style="text-align: right;">224</p> <p>1 had already started being prorated.</p> <p>2 Well, what would have</p> <p>3 justified that, had I gone into a</p> <p>4 ten-month contract, the moneys would</p> <p>5 have panned out over the time that I</p> <p>6 would have worked, the two weeks after</p> <p>7 school, as opposed to two weeks before</p> <p>8 school and two weeks after school to</p> <p>9 make up another month. I was making</p> <p>10 less than I would have in Bullock</p> <p>11 County, number one, because I was still</p> <p>12 on the nine-month contract; two, because</p> <p>13 the school year had already started and</p> <p>14 moneys has already been prorated that I</p> <p>15 had worked before in Bullock County.</p> <p>16 <b>Q. Well, what was your yearly salary that</b></p> <p>17 <b>year in Bullock County?</b></p> <p>18 A. I would have to go back and look at</p> <p>19 income tax. I want to say -- I don't</p> <p>20 want to speculate. It was in the 30s.</p> <p>21 <b>Q. Did you have any conversations with</b></p> <p>22 <b>Mr. Barker that summer, during the</b></p> <p>23 <b>course of that summer, or at the time</b></p>	<p style="text-align: right;">226</p> <p>1 <b>Q. That's fine.</b></p> <p>2 A. Okay.</p> <p>3 <b>Q. Okay. And what about with Carolyn</b></p> <p>4 <b>Hicks?</b></p> <p>5 A. Absolutely not.</p> <p>6 <b>Q. Okay. What about with Dr. Carter?</b></p> <p>7 A. Mr. Carter, again, never agreed or never</p> <p>8 met with me.</p> <p>9 <b>Q. What about with anybody else, anybody</b></p> <p>10 <b>that you can tell us about, sitting here</b></p> <p>11 <b>today, that gave you information that</b></p> <p>12 <b>you weren't interviewed during that</b></p> <p>13 <b>summer or that you were treated poorly</b></p> <p>14 <b>about your position as a reading coach</b></p> <p>15 <b>as opposed to a teacher, because of your</b></p> <p>16 <b>race, your sex, or your momma's prior</b></p> <p>17 <b>claim against the school?</b></p> <p>18 A. I mean, you're going -- we kinda look</p> <p>19 like we're flipping. Because, see, when</p> <p>20 I first told -- when I'm telling you,</p> <p>21 no, we had limited conversations, I'm</p> <p>22 talking about that first summer after</p> <p>23 Southlawn. What -- you're not talking</p>
<p style="text-align: right;">225</p> <p>1 <b>that you actually got hired back by</b></p> <p>2 <b>Montgomery County, that had anything to</b></p> <p>3 <b>do with you not getting a job because of</b></p> <p>4 <b>your race?</b></p> <p>5 A. Now, you're talking about after we</p> <p>6 worked that full year that I was back?</p> <p>7 <b>Q. During that summer when you weren't</b></p> <p>8 <b>getting interviews, except with Mike</b></p> <p>9 <b>Linhart and at the time that you</b></p> <p>10 <b>actually got the position where you said</b></p> <p>11 <b>you conversed with Mr. Barker about --</b></p> <p>12 A. I don't recall having too many</p> <p>13 conversations with anybody at central</p> <p>14 office that summer.</p> <p>15 <b>Q. Okay. Well, that was my question: Had</b></p> <p>16 <b>you talked to Mr. Barker about your race</b></p> <p>17 <b>or your sex or your momma's lawsuit that</b></p> <p>18 <b>summer, or your momma's claim?</b></p> <p>19 A. No. None of that information, you know,</p> <p>20 arose during any of those limited</p> <p>21 conversations. Because that first</p> <p>22 summer, I didn't have too much contact</p> <p>23 with --</p>	<p style="text-align: right;">227</p> <p>1 about that summer. You're talking about</p> <p>2 this last summer?</p> <p>3 <b>Q. Yes, sir. I'm talking about the summer</b></p> <p>4 <b>after you worked for a year, so I'm --</b></p> <p>5 A. That's when I -- you're talking about</p> <p>6 the full year --</p> <p>7 MR. PATTY: She's talking</p> <p>8 about the Summer of</p> <p>9 2003, is what I</p> <p>10 understood.</p> <p>11 MRS. CARTER: Yeah, that's</p> <p>12 what --</p> <p>13 A. After I worked the full year back for</p> <p>14 Montgomery County?</p> <p>15 <b>Q. Because I understand --</b></p> <p>16 MR. PATTY: No, she</p> <p>17 didn't -- full year in</p> <p>18 Bullock County, and you</p> <p>19 were trying to come</p> <p>20 back.</p> <p>21 A. Oh, no, absolutely not. Absolutely not.</p> <p>22 I didn't have --</p> <p>23 <b>Q. I think we're talking about the same</b></p>



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1 summer, but I'm not --  
2 A. Now I think we are.  
3 Q. Okay.  
4 A. Okay. No, absolutely not.  
5 Q. Because if I understand your testimony  
6 right, the Summer of 2002, after you  
7 were nonrenewed, you didn't really apply  
8 for jobs or have communications with  
9 folks here --  
10 A. Huh-uh (negative response). That's what  
11 I said. It was limited.  
12 Q. -- you went on to Bullock County?  
13 A. Uh-huh (affirmative response).  
14 Q. We're now in the next summer where you  
15 did apply for these jobs that we just  
16 went over.  
17 A. Okay. I got confused with these  
18 summers. Okay. Now, yes. Let me make  
19 sure I'm answering the right thing.  
20 Because these summers are throwing me  
21 off. Because I'm referring to them as  
22 one after the full year, and we're not  
23 talking about the full year. You were

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1 talking about before then. Okay.  
2 Q. I'm talking about you taught in Bullock  
3 County the '02-'03 school year --  
4 A. Uh-huh (affirmative response).  
5 Q. -- and then the Summer of '03, you  
6 applied for all these jobs.  
7 A. Okay.  
8 Q. It's part of your claim. You didn't get  
9 them or didn't get interviewed for them.  
10 A. Oh, no, I didn't talk to anybody.  
11 Q. Okay. That summer --  
12 A. Uh-huh (affirmative response).  
13 Q. -- did you have a conversation with  
14 Mr. Barker or Dr. Carter or anybody else  
15 up there, or any teacher or principal,  
16 that gave you any information that the  
17 reason you weren't interviewed for these  
18 jobs or given these jobs was because of  
19 your race, your sex, or your mom's  
20 claims against the school?  
21 A. No. I was advised not to have any  
22 contact with anyone.  
23 Q. Okay. And you were represented by

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1 counsel at that point?  
2 A. Yes.  
3 Q. And then, I would ask the same questions  
4 about, not the summer, but now we're at  
5 the time where you're actually getting  
6 the position; you're getting the job.  
7 You're talking to Mr. Barker; there's  
8 this conversation between y'all, because  
9 you believe you're supposed to be  
10 getting a reading coach position; and  
11 he's saying to you that's not the job --  
12 A. Uh-huh (affirmative response).  
13 Q. -- during that conversation or during  
14 that time period in October, did you  
15 have conversations with anybody who gave  
16 you any information that any of this  
17 stuff had occurred because of your race,  
18 your sex, or the claims that your  
19 momma --  
20 A. Not in October --  
21 MR. PATTY: Objection. Go  
22 ahead.  
23 A. Not in -- to answer your question, not

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1 in October. Later on in the year --  
2 Q. Okay.  
3 A. -- it began -- I started being  
4 communicated to. You know, this is the  
5 reason why X, Y, and Z.  
6 Q. Okay. And let's get that and go through  
7 it.  
8 A. Okay.  
9 Q. What is the first indication or evidence  
10 that you had that what had happened to  
11 you in the Summer of '03, in regards to  
12 jobs and interviewing, had to do with  
13 your race, your sex, or your mom's  
14 claims against the school?  
15 A. The first incident, Lois -- Ms. Lois  
16 Johnson communicated to me and my  
17 mother.  
18 Q. Okay. Do you remember when that was?  
19 Was that in the '03-'04 school year,  
20 your first year back at Montgomery  
21 County?  
22 A. Huh-uh (negative response). It was  
23 that -- it was over that summer.

<p style="text-align: right;">232</p> <p>1 <b>Q. It was that next summer. So you came</b> 2 <b>back that year, had that issue about the</b> 3 <b>reading coach position and --</b> 4 A. Then during that summer -- 5 <b>Q. Okay. And I don't mean to be talking so</b> 6 <b>much --</b> 7 A. Okay. 8 <b>Q. -- but it's just going to mess us up</b> 9 <b>later, and we'll have to redo all of</b> 10 <b>this if we find out later that we're in</b> 11 <b>the wrong summer.</b> 12 A. Okay. 13 <b>Q. You taught that summer under Dr. -- that</b> 14 <b>school year under Dr. Owens at Daisy</b> 15 <b>Lawrence?</b> 16 A. Yes. 17 <b>Q. You don't remember anything significant</b> 18 <b>happening during the course of that year</b> 19 <b>that you would consider information or</b> 20 <b>evidence about your case?</b> 21 MR. PATTY: Object to the 22 form. 23 <b>Q. In and of itself --</b></p>	<p style="text-align: right;">234</p> <p>1 that's part of the problem. 2 Then Dr. Owens, over the 3 summer, kept -- the same thing, saying 4 to me over and over again, that this is 5 the reason, you know, you're having 6 these problems. And just over and over 7 and over. 8 I then began -- I'm sorry. 9 <b>Q. Okay. Go ahead. Go ahead.</b> 10 A. -- to talk to Mr. Barker when I 11 started -- that summer, I noticed that 12 certain jobs were being filled that had 13 not been advertised, certain people 14 didn't have certain certifications, and 15 they were acting in such capacities. 16 And we then started trying to see -- I 17 thought Mr. Barker was trying to help me 18 secure a position. And then I started 19 getting maybe more than one, but one in 20 particular, recommendation for a 21 position, for an administrative 22 assistant's position at McKee Junior 23 High.</p>
<p style="text-align: right;">233</p> <p>1 A. But, you know, now I've got my summers 2 straight. When you said that first -- 3 after that first full year where I 4 served as a reading coach, and then the 5 nonrenewal came, and there was a big -- 6 <b>Q. Summer of '04.</b> 7 A. Uh-huh (affirmative response) -- a big 8 stipulation about it didn't go before 9 the Board, this, that, and the -- that 10 was when Dr. Owens began communicating 11 to me, Lois Johnson began communicating 12 to me that, Melvin, your problem is 13 because your momma filed her grievance 14 or her lawsuit, and you're just like 15 her, and when people look at Mary, they 16 see you, and that's the problem. 17 And then on the second 18 incident, I don't even know if I had 19 that noted, my mother walked in on a 20 conversation with Mr. Barker and Ann 21 Carol Sippial in a conversation and 22 eluded to, you know, he's just like her, 23 and his personality supersedes her, and</p>	<p style="text-align: right;">235</p> <p>1 <b>Q. Okay. Let me stop you right there.</b> 2 A. Okay. And go back. 3 <b>Q. Let me stop you. I think that we're on</b> 4 <b>the same page now to kind --</b> 5 A. I think so, finally. 6 <b>Q. -- to kind of move forward with this,</b> 7 <b>which is better for us to work it out</b> 8 <b>now.</b> 9 So we're in the Summer of '04, 10 you've completed that year, and they 11 attempt to nonrenew you? 12 A. Yes. 13 <b>Q. But they don't get it right, and so you</b> 14 <b>don't get nonrenewed, and you end up</b> 15 <b>getting reassigned back at Daisy</b> 16 <b>Lawrence. But during that summer, you</b> 17 <b>applied for other jobs?</b> 18 A. Yes. 19 <b>Q. And these are the ones that are on here?</b> 20 A. Yes. 21 <b>Q. Okay.</b> 22 MR. PATTY: When you get to 23 a point, we've been</p>

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1 about an hour or so,  
2 just -- I don't -- I'm  
3 just saying when you  
4 get to a good spot.  
5 MRS. CARTER: Okay. Gosh,  
6 we're never going to  
7 get done with this  
8 deposition. Time is  
9 flying.  
10 BY MRS. CARTER:  
11 **Q. Okay. So then there's a list of jobs**  
12 **here from '04, which I guess kind of**  
13 **immediately proceeded when you sent this**  
14 **letter, because you initially started**  
15 **your EEOC process --**  
16 A. Yes.  
17 **Q. -- I guess, in the late Summer of '04.**  
18 **So the jobs you've listed here, I want**  
19 **to run down them real quickly.**  
20 **May 14th, 2004, you applied**  
21 **for an administrative assistant**  
22 **position -- oh, I guess there were**  
23 **several positions --**

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1 A. Yes.  
2 **Q. -- like that open that year, and you did**  
3 **not get an interview for any of them?**  
4 A. No, I did not.  
5 **Q. Do you know who interviewed?**  
6 A. No, I don't.  
7 **Q. Do you know if all applicants**  
8 **interviewed?**  
9 A. I wouldn't know.  
10 **Q. Okay. June 4, 2004, Education**  
11 **Specialist of Office of Curriculum and**  
12 **Instruction. You were never**  
13 **interviewed, and two women filled the**  
14 **position?**  
15 A. Yes.  
16 **Q. Were they black or white?**  
17 A. Two white women.  
18 **Q. Okay. Do you know who all interviewed**  
19 **for the position?**  
20 A. I want to say -- I won't speculate.  
21 Probably nobody but those two.  
22 **Q. Okay. Do you know?**  
23 A. No, I don't.

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1 **Q. Okay. Do you know who made the decision**  
2 **of who would be recommended for those**  
3 **positions?**  
4 A. It should have been a Human Resource  
5 issue or recommendation.  
6 **Q. Okay. Do you know who made the**  
7 **recommendation, that that's who the**  
8 **board hired, or made the recommendation**  
9 **to Mr. Barker?**  
10 A. I would assume it would have been a  
11 Human Resource decision.  
12 **Q. Okay. Applied for the position of**  
13 **Title I Educational Specialist in**  
14 **Professional Development. A woman**  
15 **filled the position. Same question: Do**  
16 **you know her qualifications?**  
17 A. No, I don't.  
18 **Q. Do you know who else interviewed for**  
19 **that job?**  
20 A. No, I don't.  
21 **Q. Do you know who selected who would be**  
22 **interviewed?**  
23 A. No, I don't. I assume it was a Human

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1 Resource decision.  
2 **Q. You don't know who participated in the**  
3 **interview with her?**  
4 A. No, I don't.  
5 **Q. All right. June 11th, 2004, Title I**  
6 **Program Evaluator. You never received**  
7 **an interview and the position has not**  
8 **been filled?**  
9 A. At that time, I was instructed this  
10 position had not been filled.  
11 **Q. Okay. But you weren't given an**  
12 **interview?**  
13 A. No, I wasn't.  
14 **Q. After you wrote this, did they fill the**  
15 **job?**  
16 A. I don't know. I would have to look at  
17 personnel minutes.  
18 **Q. Do you know why the job wasn't filled at**  
19 **the time?**  
20 A. I have no idea.  
21 **Q. Do you know who made the decision of who**  
22 **to interview?**  
23 A. I'm assuming it was a personnel issue.



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1 **Q. June 24th, 2004. Title I Teacher-Tutor.**  
2 **Skills Lab at Houston Hill Junior High**  
3 **School. And it says that you were never**  
4 **interviewed. Do you know who chose the**  
5 **people that would be interviewed?**

6 A. I don't know. But the principal,  
7 Mr. Cochran (phonetic), told me that he  
8 had already filled the position. And  
9 when he filled the position, I didn't  
10 elaborate too much. But I went to  
11 Mr. Cochran. The job announcement  
12 hadn't even come out yet. I just kind  
13 of caught wind that it's going to come  
14 out tomorrow, and you're telling me  
15 you've already filled the position.

16 **Q. Okay. Do you think the fact that**  
17 **Mr. Cochran had already filled that**  
18 **position had anything to do with you?**

19 A. It would have had to do with anybody,  
20 black, white, Indian, if you didn't have  
21 an opportunity to actively participate  
22 in the interview process.

23 **Q. All right. June 25th, 2004, applied**

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1 **for the position of System Reading**  
2 **Specialist at the Office of Curriculum**  
3 **and Instruction. You were interviewed**  
4 **for that job. Who interviewed you?**

5 A. Teresa Nichols. Teresa Jackson. I want  
6 to say -- and I may stand corrected,  
7 but, I guess, the interview panel would  
8 have to be poled -- I want to say  
9 Margaret Allen. And I know Mr. Barker  
10 sat in on that interview, because we  
11 had -- at this point, he and I were  
12 having some serious discussions about  
13 these jobs. And he told me, I'm going  
14 to sit in on yours. And he sat in on my  
15 interview.

16 **Q. Mr. Barker did?**

17 A. Yes. And we talked after the interview.  
18 Because Mr. Barker showed me, and we  
19 discussed the four women who were being  
20 given -- the recommendation were given  
21 to him, to whom he was going to  
22 recommend to the superintendent.

23 **Q. To be hired in the position?**

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1 A. To be hired for two positions that were  
2 advertised. But you were hiring four.  
3 And all were women, two white and two  
4 black.

5 **Q. Okay. And in your conversations with**  
6 **him, did he share with you why you were**  
7 **not recommended for those jobs?**

8 A. And I asked him, because --

9 **Q. And he had nothing to offer?**

10 A. The reading -- the system-wide reading  
11 coach positions were new, as were the  
12 reading coach positions being new, so  
13 what more qualifications would any of  
14 those persons have had, other than  
15 practical teaching experiences? Because  
16 knowledge of the special curriculum for  
17 the interventions, we all started  
18 learning and fumbling and making the  
19 trial-and-error mistakes at the same  
20 time.

21 **Q. Do you know how you interviewed as**  
22 **compared to the other individuals or how**  
23 **well your interview went as compared to**

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1 **them?**

2 A. Well, I knew questions that were going  
3 to be asked. So I think I would have  
4 known how to prepare for those  
5 questions.

6 **Q. And my only question is: Do you know**  
7 **how you did in comparison to the people**  
8 **that were awarded the job?**

9 A. The only thing I can say is I knew all  
10 the information and I still know all the  
11 information.

12 **Q. Okay. When you had this big**  
13 **conversation with -- first of all, did**  
14 **Mr. Barker sit in on this interview**  
15 **because you wanted him to?**

16 A. No. I think we had been talking about  
17 me and some of these other jobs that I  
18 had not gotten. And he told me, I'm  
19 going to sit in on yours. Because I  
20 think I had communicated to him, I'm  
21 being blocked somewhere. And he sat in  
22 on mine.

23 But the question I had, I know

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<p style="text-align: right;">244</p> <p>1 personnel makes the decision on the</p> <p>2 interview panel. But one of those</p> <p>3 persons at that time was retired from</p> <p>4 the school system. And all of those</p> <p>5 women were conducting those interviews.</p> <p>6 No representative from Human Resources,</p> <p>7 other than when Mr. Barker sat in on</p> <p>8 mine. And I didn't feel comfortable</p> <p>9 with that, a recommendation given to you</p> <p>10 to make a recommendation to the</p> <p>11 superintendent, when you or your office</p> <p>12 should have been the one conducting the</p> <p>13 interview to be able to answer to what</p> <p>14 he said or what he didn't say.</p> <p>15 <b>Q. Well, that's just really your opinion,</b></p> <p>16 <b>right --</b></p> <p>17 A. Yeah.</p> <p>18 <b>Q. -- about who's doing the interview?</b></p> <p>19 A. But when we look at better practice and</p> <p>20 Best practice and policy and procedure.</p> <p>21 <b>Q. Okay. That's fine. The next one was</b></p> <p>22 <b>for System-wide Math Specialist. And</b></p> <p>23 <b>you were interviewed. Who interviewed</b></p>	<p style="text-align: right;">246</p> <p>1 were told that we were interviewing for</p> <p>2 administrative assistants at various</p> <p>3 schools and SIA positions. Then we came</p> <p>4 back, and we had this separate -- there</p> <p>5 were separate interviews for the SIA</p> <p>6 positions. So, I mean, it was kind of</p> <p>7 like you interviewed twice. But on this</p> <p>8 one here, the second time, I never</p> <p>9 interviewed.</p> <p>10 <b>Q. And do you know who got that job, those</b></p> <p>11 <b>jobs?</b></p> <p>12 A. I don't even know how many it was. No,</p> <p>13 I don't.</p> <p>14 <b>Q. The next one says that you've applied</b></p> <p>15 <b>for the District Resource/Attendance</b></p> <p>16 <b>Officer of Office of Student and</b></p> <p>17 <b>Community Services, and that you didn't</b></p> <p>18 <b>get an interview?</b></p> <p>19 A. At the time I wrote this, I didn't get</p> <p>20 an interview. But I did interview.</p> <p>21 <b>Q. Who did you interview with?</b></p> <p>22 A. Mr. Barker and Lois Johnson.</p> <p>23 <b>Q. And were you recommended for the</b></p>
<p style="text-align: right;">245</p> <p>1 <b>for that job?</b></p> <p>2 A. I can't -- I'd have to go back. I can't</p> <p>3 even recall who interviewed me for that</p> <p>4 position, but it wasn't anybody from</p> <p>5 Human Resources.</p> <p>6 <b>Q. Do you know who got the job?</b></p> <p>7 A. I'd have to go back and look at the</p> <p>8 personnel minutes.</p> <p>9 <b>Q. So you can't tell us about their</b></p> <p>10 <b>qualifications as compared to yours?</b></p> <p>11 A. Well, I know one was a white woman.</p> <p>12 <b>Q. Do you know what her qualifications were</b></p> <p>13 <b>compared to yours?</b></p> <p>14 A. No, I don't.</p> <p>15 <b>Q. Let's go to the next one, Title I</b></p> <p>16 <b>School-wide Instructional Assistant at</b></p> <p>17 <b>various school locations. Were the</b></p> <p>18 <b>Title I School-wide Instructional</b></p> <p>19 <b>Assistants interviewed at the variation</b></p> <p>20 <b>schools, or was that done in central</b></p> <p>21 <b>office?</b></p> <p>22 A. It was some confusion about that,</p> <p>23 because one interview I took part in, we</p>	<p style="text-align: right;">247</p> <p>1 <b>position?</b></p> <p>2 A. To my knowledge, the position hasn't</p> <p>3 been filled.</p> <p>4 <b>Q. Do you know why it hasn't been filled?</b></p> <p>5 A. No, I don't. Ms. Johnson just</p> <p>6 communicated to me, she said, Melvin,</p> <p>7 you had an excellent interview. And</p> <p>8 from my mother, she said, I don't know</p> <p>9 where you get your smarts from, which</p> <p>10 was an insult, because it could possible</p> <p>11 be innate capability. But she said that</p> <p>12 Mr. Carter said that they weren't going</p> <p>13 to fill the position at that time.</p> <p>14 <b>Q. Okay. Do you know whether that's true</b></p> <p>15 <b>or not?</b></p> <p>16 A. Whether what is true?</p> <p>17 <b>Q. Whether it was just an executive</b></p> <p>18 <b>decision to not fill the position at</b></p> <p>19 <b>that time.</b></p> <p>20 A. Well, that's what she told me. I have</p> <p>21 no way of knowing if it was true or not,</p> <p>22 unless the position has been filled or</p> <p>23 hasn't.</p>

<p style="text-align: right;">248</p> <p>1 <b>Q. Okay. And then No. 18 kind of goes into</b> 2 <b>the issue where it says that you had</b> 3 <b>received a nonrenewal. And then you</b> 4 <b>were told by numerous people that the</b> 5 <b>nonrenewal was a mistake, because it</b> 6 <b>wasn't approved by the Board, and that</b> 7 <b>you would be replaced in the school</b> 8 <b>system. And at that particular time,</b> 9 <b>you were assigned a lead reading coach</b> 10 <b>position for the summer reading camp.</b> 11 <b>Is that what position you held that</b> 12 <b>summer, was the lead reading coach</b> 13 <b>position?</b> 14 <b>(Whereupon Defendants'</b> 15 <b>Exhibit No. 18 was marked</b> 16 <b>for identification and</b> 17 <b>attached hereto.)</b> 18 A. Yes. 19 <b>Q. And were you paid for that job?</b> 20 A. Yes, I was. 21 <b>Q. And who hired you to be the lead reading</b> 22 <b>coach?</b> 23 A. Mr. Mike Looney and Teresa Nichols.</p>	<p style="text-align: right;">250</p> <p>1 it was Mr. Looney made this -- I said, 2 But when was the job posted, and when 3 did the interviews take place? And -- 4 <b>Q. Who were the people that you say got --</b> 5 A. Karen Vann is one. Karen Vann -- 6 <b>Q. You don't know what I'm going to ask.</b> 7 A. Oh, I'm sorry. I'm just -- 8 <b>Q. I was going to say --</b> 9 A. Okay. 10 <b>Q. -- who were the people that you say who</b> 11 <b>got jobs that were not qualified or not</b> 12 <b>certified in those fields?</b> 13 A. At the time that -- when I interviewed 14 for one of the group interviews for 15 administrative assistant and SIA, a 16 Denita Easterling is one individual in 17 particular, a black female, who 18 interviewed, who was in the process of 19 getting certified in administration. 20 And she was allowed that summer to act 21 as a summer school principal, and she 22 was not certified. 23 <b>Q. Did you interview for a summer school</b></p>
<p style="text-align: right;">249</p> <p>1 <b>Q. Okay. And you performed that job?</b> 2 A. That Summer of '04. 3 <b>Q. Of '04?</b> 4 A. Yes. 5 <b>Q. Before you came back for your final year</b> 6 <b>in '04-'05?</b> 7 A. Yes. And this was the summer when I 8 questioned Mr. Barker about certain 9 principal -- summer school principal 10 positions for -- see, at this point, we 11 were having ongoing conversations. 12 There were such persons as Denita 13 Easterling, who served as summer school 14 principal, who wasn't even certified. 15 Because she was borrowing information 16 from me to get certified. And she was 17 interviewing for administrative 18 positions, and she wasn't certified. 19 This was also during the time when I 20 questioned Mr. Barker about jobs that 21 other persons were being recommended for 22 and being hired in and the announcement 23 never surfaced. And I said, Well, how</p>	<p style="text-align: right;">251</p> <p>1 <b>principal position?</b> 2 A. They were never advertised. And when I 3 questioned Mr. Looney about it, 4 Mr. Looney directed me to Ms. Johnson, 5 Sophia Johnson, who was the principal of 6 that school a full year. And 7 Ms. Johnson suggested that Mr. Barker 8 referred Denita Easterling to her. And 9 I said, Well, are you-all aware that 10 she's not even certified in 11 administration, but she's your summer 12 school principal? And the reason I had 13 such a hands-on working relationship 14 with her, there was an issue with a 15 child and some records we had to get 16 from Daisy Lawrence, and I would come 17 from Southlawn, as lead reading coach, 18 to Daisy Lawrence across the street to 19 drop this information. And it just 20 began to be a slap in the face, because 21 I never knew the summer school positions 22 were available. 23 The second one, Karen Vann,</p>

<p style="text-align: right;">252</p> <p>1 she went from a classroom teacher to a</p> <p>2 reading coach and then to assistant</p> <p>3 reading coach and then a reading</p> <p>4 specialist. And I said, Mr. Barker,</p> <p>5 where is this advertised, because I</p> <p>6 would have liked to -- when Teresa</p> <p>7 Jackson left, the next thing we know</p> <p>8 Karen Vann is in the position. In fact,</p> <p>9 Karen told me in a sarcastic tone. And</p> <p>10 I'm asking, Well, when was it posted,</p> <p>11 and when can -- or why can't people</p> <p>12 interview for it? So those are two in</p> <p>13 particular, one black female and one</p> <p>14 white female.</p> <p>15 MR. PATTY: It's been an</p> <p>16 hour and fifteen</p> <p>17 minutes now.</p> <p>18 MRS. CARTER: All right.</p> <p>19 That's fine.</p> <p>20 (Whereupon a brief recess</p> <p>21 was taken.)</p> <p>22 BY MRS. CARTER:</p> <p>23 Q. I asked you before we took a break about</p>	<p style="text-align: right;">254</p> <p>1 job I was not interested in or qualified</p> <p>2 for, I would have not -- I wouldn't</p> <p>3 know. These were just jobs that I would</p> <p>4 have been interested in. And then I was</p> <p>5 working closely with this person, and</p> <p>6 when this person kind of leaked it out,</p> <p>7 you know, then a red flag went up.</p> <p>8 Q. This is Karen Vann we're talking about?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Are there any other examples like</p> <p>11 that that you can give me?</p> <p>12 A. Well, like I gave with Denita</p> <p>13 Easterling.</p> <p>14 Q. And I'm going to get to her, because --</p> <p>15 A. Okay.</p> <p>16 Q. -- I kind of considered her in a</p> <p>17 different category, which was somebody</p> <p>18 who had gotten a job that you say she</p> <p>19 wasn't qualified for --</p> <p>20 A. Right.</p> <p>21 Q. -- or that she didn't have the</p> <p>22 certification for.</p> <p>23 So right now I want to limit</p>
<p style="text-align: right;">253</p> <p>1 any jobs -- or there's two categories of</p> <p>2 things, and instead of going line per</p> <p>3 line for this, I read this a little bit</p> <p>4 more, Defense Exhibit 5. The two</p> <p>5 things, from what I can tell that you're</p> <p>6 saying, in addition to the specific jobs</p> <p>7 that you have listed here, another of</p> <p>8 your complaint was that there were</p> <p>9 people getting jobs that you believe</p> <p>10 weren't even posted, so you didn't know</p> <p>11 to interview for them. An example you</p> <p>12 gave was Karen Mann getting kind of</p> <p>13 promoted through the ranks, so to speak,</p> <p>14 in the reading specialist category --</p> <p>15 might not be the right word.</p> <p>16 Can you give me any other</p> <p>17 examples of individuals who you felt</p> <p>18 like were receiving promotions or</p> <p>19 getting jobs that you think, you know,</p> <p>20 that you would have interviewed for, but</p> <p>21 you didn't know that the job was open,</p> <p>22 that wasn't properly posted?</p> <p>23 A. You just answered it. If it wasn't a</p>	<p style="text-align: right;">255</p> <p>1 my question to -- just so that we're</p> <p>2 able to properly address these issues --</p> <p>3 to any other examples you can give of</p> <p>4 people who received jobs that is your</p> <p>5 testimony were not properly posted?</p> <p>6 A. Those are the only two that I say again</p> <p>7 that I would have been interested in,</p> <p>8 therefore, I know of. There might be</p> <p>9 others.</p> <p>10 Q. And so the second that you're referring</p> <p>11 to is Denita Easterling, who got a</p> <p>12 summer camp principal job before she was</p> <p>13 certified, and then hired as an</p> <p>14 administrative assistant at T.S. Morris</p> <p>15 with Sophia as an Assistant</p> <p>16 Administrator for the fall. Now, didn't</p> <p>17 Ms. Easterling get her certification</p> <p>18 that summer before school started in the</p> <p>19 fall?</p> <p>20 A. I'm assuming she finished it. When, I</p> <p>21 don't know.</p> <p>22 Q. Okay. I thought you said here --</p> <p>23 A. But at the time -- let me go back to</p>



<p style="text-align: right;">256</p> <p>1 where we're referring to. 2 (Witness reviewed document.) 3 (An off-the-Record 4 discussion was held.) 5 MRS. CARTER: All right. We 6 can get back on. 7 BY MRS. CARTER: 8 <b>Q. The questions that I was asking you</b> 9 <b>about also came from Defense Exhibit 7</b> 10 <b>where you supplemented to the EEOC to</b> 11 <b>give them some more specific examples.</b> 12 <b>And you gave the example of Karen Vann,</b> 13 <b>which you had testified about, and also</b> 14 <b>Ms. Easterling. Would you like to refer</b> 15 <b>to that for me to ask you some more</b> 16 <b>questions? That's what I was getting my</b> 17 <b>questions from. And I'm showing you</b> 18 <b>page 4 of Defense Exhibit 7.</b> 19 A. Okay. 20 <b>Q. Oh, that's where I was getting that from</b> 21 <b>that she had her certification in July</b> 22 <b>of 2004.</b> 23 A. That's what she told me.</p>	<p style="text-align: right;">258</p> <p>1 <b>when we were going over jobs you had</b> 2 <b>been interviewed for. And I'm going to</b> 3 <b>pick back up where we are, but real</b> 4 <b>quickly just wanted to say: Can you</b> 5 <b>tell us what jobs you were offered in</b> 6 <b>Macon County?</b> 7 A. I was offered a teaching job in Macon 8 County. 9 <b>Q. And who offered you that job?</b> 10 A. In fact, that was a Special Education. 11 Ms. Fannie Adams (phonetic). 12 <b>Q. And why did you turn it down?</b> 13 A. Because I had gotten the job in Bullock 14 County. See, those jobs, actually they 15 were not calling me saying you've got 16 the job; we're going to give you the 17 job. It was very close to school 18 starting, and I was going into Bullock 19 County at that time. 20 <b>Q. You had already gotten the job in</b> 21 <b>Bullock County when you got offered a</b> 22 <b>job in --</b> 23 A. See, I went on a string of interviews.</p>
<p style="text-align: right;">257</p> <p>1 <b>Q. Okay. So what you're saying is you</b> 2 <b>don't really know?</b> 3 A. I'm telling you that's what she told me. 4 <b>Q. Okay. Just to wrap up with Defense</b> 5 <b>Exhibit 5, you say in here at the bottom</b> 6 <b>of the second page, that in making this</b> 7 <b>claim of race and gender discrimination,</b> 8 <b>that the majority of the individuals who</b> 9 <b>have filled the positions listed above,</b> 10 <b>that we just went over --</b> 11 A. Uh-huh (affirmative response). 12 <b>Q. -- are either of the opposite race or</b> 13 <b>gender or are not qualified. Have you</b> 14 <b>already given me any information you</b> 15 <b>have about these individuals, sitting</b> 16 <b>here today?</b> 17 A. All that I'm able to. 18 <b>Q. Right. Okay. And I know that other</b> 19 <b>information might exist somewhere, but I</b> 20 <b>just mean that you can provide to me.</b> 21 A. Uh-huh (affirmative response). 22 <b>Q. Okay. All right. And looking back at</b> 23 <b>Defense Exhibit 7, we stopped here at J</b></p>	<p style="text-align: right;">259</p> <p>1 <b>Q. Let me finish.</b> 2 A. Go ahead. 3 <b>Q. Did you already have your job in Bullock</b> 4 <b>County when you got the call offering</b> 5 <b>you a job in Macon County?</b> 6 A. Yes. 7 <b>Q. So at that point, it was a non-issue for</b> 8 <b>you?</b> 9 A. Yes. 10 <b>Q. All right. Dallas County Board of</b> 11 <b>Education, who offered you a job from</b> 12 <b>there?</b> 13 A. Now, let me get myself together on 14 these. Dallas County and Selma City, 15 they're so close. 16 <b>Q. I know.</b> 17 A. One school system offered me a teaching 18 job. And the other school district 19 offered me -- one was elementary, one 20 was early childhood. And I would have 21 to really -- I'd almost have to send to 22 the school district -- 23 <b>Q. Dr. Carter is the superintendent at</b></p>

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1 **Selma City.**  
 2 A. At Selma City. He was elementary.  
 3 **Q. And Wayne May (phonetic) --**  
 4 A. And Wayne May, he used to be -- I'm  
 5 sorry. You go ahead.  
 6 **Q. Let me finish. And Wayne May is the**  
 7 **superintendent of Dallas County. Is**  
 8 **that --**  
 9 A. Dallas County was early childhood.  
 10 **Q. I'm sorry.**  
 11 A. I'm sorry. Okay. Go ahead.  
 12 MR. PATTY: Let her finish  
 13 all the way with it.  
 14 THE WITNESS: Okay.  
 15 MR. PATTY: Then stop, put a  
 16 period on it.  
 17 MRS. CARTER: And then you  
 18 can give him a chance  
 19 to object.  
 20 BY MRS. CARTER:  
 21 **Q. And I was just telling you their names,**  
 22 **if that helped to jog your memory.**  
 23 A. It did. It did.

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1 **Q. So do you recall now what job offer you**  
 2 **got from Dallas County?**  
 3 A. Dallas County is with Carter. Am I  
 4 correct?  
 5 **Q. No. Dallas County is Wayne May.**  
 6 A. Wayne May was an early childhood  
 7 position. And Selma City was -- that's  
 8 Mr. Carter.  
 9 **Q. Uh-huh (affirmative response).**  
 10 A. That was an elementary position.  
 11 **Q. And who offered -- was it the**  
 12 **superintendent's that offered you the**  
 13 **jobs for those two schools?**  
 14 A. Yes.  
 15 **Q. And was the reason that you didn't take**  
 16 **either one of those jobs because you had**  
 17 **already accepted an offer at Bullock**  
 18 **County?**  
 19 A. Bullock County.  
 20 **Q. Very good. All right. What about Lee**  
 21 **County?**  
 22 A. Lee County I was offered half-day  
 23 assistant principal and half-day Special

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1 Ed teacher.  
 2 **Q. And who offered you that job?**  
 3 A. I want to say his name was Mr. McCuller  
 4 (phonetic). I would -- if I could see a  
 5 directory for the school district, I  
 6 could tell you exactly who it was.  
 7 **Q. Autauga County?**  
 8 A. Classroom teacher. That was fourth  
 9 grade. I remember that specifically.  
 10 **Q. Who offered you the job? Was it**  
 11 **somebody out of HR, Dene Cleveland?**  
 12 A. It wasn't Dene Cleveland. I've  
 13 interviewed with her, but I also  
 14 interviewed at the school. The  
 15 assistant principal's name was  
 16 Ms. Pierce. I can't think of what the  
 17 principal's name was.  
 18 **Q. I know where it is.**  
 19 A. It was the middle school.  
 20 **Q. Yeah, it's the middle school.**  
 21 Okay. Elmore County, who  
 22 offered you a job from there?  
 23 A. This is another person's name I can't

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1 remember. She's no longer in HR.  
 2 **Q. Carolyn McGalliard?**  
 3 A. McGalliard. But it was a fourth grade  
 4 position.  
 5 MRS. CARTER: Off the  
 6 Record.  
 7 (Whereupon an off-the-Record  
 8 discussion was held.)  
 9 **Q. A fourth grade position?**  
 10 A. Yes.  
 11 **Q. And Tuskegee University?**  
 12 A. Assessment Coordinator in the School of  
 13 Education or College of Education,  
 14 Education Department.  
 15 **Q. Who offered that?**  
 16 A. Dr. Binford (phonetic).  
 17 **Q. And all of these jobs, you had already**  
 18 **accepted a job at Bullock County?**  
 19 A. I was in Bullock County.  
 20 **Q. And what about Tuskegee University, was**  
 21 **that not a higher paying job than your**  
 22 **Bullock County job?**  
 23 A. It was less.

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1 Q. Okay. And with all of these counties,  
2 we're talking about that Summer of '02  
3 when you got a job in Bullock County.  
4 You didn't reapply with these systems  
5 other years?

6 A. No.

7 Q. Okay. You've supplied us some  
8 information here about your claims, and  
9 I'm going to quickly go through. Some  
10 of it you've already testified about,  
11 which we'll acknowledge and pass on.

12 You say that Mr. Barker, the  
13 assistant superintendent of Human  
14 Resources, informed your mother that  
15 Dr. Carter said I will only be a teacher  
16 in this school system in Summer of 2003?

17 A. Yes.

18 Q. And you've already told us about that?

19 A. Yes.

20 Q. You also say that in the Summer and Fall  
21 of 2003, that Mr. Barker informed your  
22 mother that Carolyn Hicks said that she  
23 mentioned your name to seven principals

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1 with reference to employment, and they  
2 all refused to hire you?

3 A. Yes.

4 Q. Okay. We haven't talked about that yet.  
5 Tell me about that conversation. Did  
6 your mother relay that to you?

7 A. She did.

8 Q. And this is a conversation your mother  
9 allegedly had with Jimmy Barker?

10 A. Yes.

11 Q. Okay. And what did you understand this  
12 to mean, that Carolyn was referring your  
13 name to seven principals, and they  
14 wouldn't hire you?

15 A. That's the only thing I could, yes.

16 Q. Okay. And do you know why -- if that's  
17 true, why those seven principals didn't  
18 want to hire you?

19 A. No, I don't.

20 Q. Okay. The next says that Ms. Johnson  
21 states her position, told your mother  
22 that the problem with your -- Melvin --  
23 employment was that when people/admini-

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1 strators view Melvin, they see Mary  
2 Lowe, and they aren't favorable about  
3 hiring him at that point.

4 A. That is true.

5 Q. And that she made that -- Ms. Johnson  
6 made that communication to your mother  
7 in July of '04?

8 A. Yes. That was the first time she made  
9 the statement.

10 Q. Okay. And that was going to be my  
11 question that we have not clarified yet  
12 from my little notes here: That's the  
13 first time Lois Johnson said something  
14 like that -- and I think we were getting  
15 into that before the break -- which was  
16 the Summer of '04, which is what this  
17 document reflects?

18 A. That was the first time she said it to  
19 Mother.

20 Q. Did she ever say that to you?

21 A. She said it to me once.

22 Q. Okay. And what did she say?

23 A. She just -- and this was in her office

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1 one afternoon during the first year at  
2 Daisy Lawrence. And she said -- she  
3 said, Melvin, she said, you know the  
4 problem you're having, she said, you  
5 know when people look at your momma,  
6 they look at you. She said, You know,  
7 that's what we always say, you know, he  
8 is Mary. And --

9 Q. And this is -- I'm sorry, when did you  
10 say she said that to you?

11 A. This was the first -- my first full year  
12 at Daisy Lawrence, back at Daisy  
13 Lawrence.

14 Q. Back in '99?

15 A. No. The first full year after  
16 Southlawn.

17 Q. When you came back. You're saying back  
18 I'm sorry.

19 A. This was on -- and I don't even have the  
20 date. But it was during that school  
21 year one afternoon in her office.

22 Q. When they look at you, they look at your  
23 momma?



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1 A. They see Mary.  
2 **Q. They see your momma. Anything else that**  
3 **Ms. Johnson has said directly to you of**  
4 **that nature?**  
5 A. No.  
6 **Q. Anything else that Ms. Johnson has said**  
7 **to your mother of that nature, that your**  
8 **mother subsequently relayed to you?**  
9 A. This last year that I was at Daisy  
10 Lawrence, Ms. Johnson made that  
11 statement again to my mother, and it  
12 kinda got hot. It was heated at that  
13 time.  
14 **Q. Did you put down the statements -- at**  
15 **the time that you wrote this document,**  
16 **Defense Exhibit 7, did you put down the**  
17 **statements of anything said like that,**  
18 **to the best of your recollection?**  
19 A. Are you asking did I do this at a later  
20 date?  
21 **Q. No. I asked a horrible question.**  
22 **When you wrote Defense Exhibit**  
23 **7, did you relate -- because these**

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1 statements that we just asked you about,  
2 there were three of them. Did you  
3 reflect what was actually said during  
4 those alleged conversations, to the best  
5 of your ability or memory, at that time?  
6 A. Yes.  
7 **Q. Okay. Any other -- Summer of '04,**  
8 **Ms. Johnson said something to your**  
9 **mother; during the school year of**  
10 **'04-'05, Ms. Johnson said something to**  
11 **your mother --**  
12 A. Yes.  
13 **Q. -- and then you've told us about the**  
14 **time Ms. Johnson said something to you?**  
15 A. Yes.  
16 **Q. Those are three occasions that I'm**  
17 **recalling.**  
18 A. Yes.  
19 **Q. Any other time that you can think of**  
20 **that Ms. Johnson said anything about**  
21 **your mother to you or to your mother?**  
22 A. Right before -- while Mr. Carter was  
23 still superintendent, right before I

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1 came back to Montgomery County, I was  
2 still in Bullock County. My mother  
3 called Ms. Johnson, it may have been on  
4 a Saturday or a Sunday, to ask her what  
5 did she think she needed to do to help  
6 me get back in Montgomery County.  
7 **Q. So that would have been the Summer of**  
8 **'03, then?**  
9 A. Yes. And they had a long conversation.  
10 And Momma -- my Mother told me, she  
11 said, Melvin, Lois just said that you  
12 know how people sometimes get back at  
13 your children, you know, get back at you  
14 through your children. And she just  
15 told me what we needed to do. At that  
16 time, my mother informed her, she said,  
17 Well, I'm just telling you Melvin and I  
18 are going to see if we can sit with  
19 Mr. Barker and talk to Mr. Barker and  
20 see if we can -- whatever we need to  
21 work out, can we work it out? That was  
22 the first time my mother and Ms. Johnson  
23 had a conversation, to my knowledge,

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1 about any of these proceedings. And  
2 then we have two to me, then three to  
3 Momma, then four to her again, the  
4 fourth time something was said.  
5 **Q. Oh, oh, oh, I thought you were saying**  
6 **three times -- yeah. Okay. Any other**  
7 **that you can think of today?**  
8 A. No, that is it. That is all that I'm  
9 aware of.  
10 **Q. Okay. And I asked you about Mr. Barker,**  
11 **and you told me that he said -- first**  
12 **that your mother walked in on a**  
13 **conversation he was having with Ann**  
14 **Sippial, where he said words to the**  
15 **effect that he's just like his momma,**  
16 **his reputation --**  
17 A. His personality supersedes him.  
18 **Q. His personality supersedes him. And**  
19 **that allegedly occurred also in the**  
20 **Summer of '03, I think. I'm not trying**  
21 **to change your testimony.**  
22 A. Yes.  
23 **Q. It'll speak for itself. I might be**

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<p style="text-align: right;">272</p> <p>1 getting that wrong.</p> <p>2 A. Yes. You're right.</p> <p>3 Q. Oh, is that right? Okay.</p> <p>4 And then the second thing that</p> <p>5 you said about Mr. Barker is that</p> <p>6 Dr. Owens told you that Jimmy Barker</p> <p>7 said, Melvin's problem is his momma; you</p> <p>8 drive a Mercedes. What else? Tell us</p> <p>9 about that conversation.</p> <p>10 A. Dr. Owens conveyed to me that, Melvin,</p> <p>11 you were born with a silver spoon in</p> <p>12 your mouth, and these people resent</p> <p>13 that. And you shouldn't have let your</p> <p>14 momma buy you that Mercedes. You should</p> <p>15 buy you a little truck. And you're</p> <p>16 living where you live, the type of</p> <p>17 clothes that you wear. And you might</p> <p>18 consider waiting until four to five</p> <p>19 years after Mr. Barker has retired and</p> <p>20 possibly Dr. Purcell is gone and some of</p> <p>21 the Board members are out of the way</p> <p>22 before they take you seriously.</p> <p>23 Q. Okay. Was Dr. Owens telling you that</p>	<p style="text-align: right;">274</p> <p>1 asked him, Defend me about what and for</p> <p>2 what? And then he went into all of</p> <p>3 this.</p> <p>4 Q. Okay. So you're not exactly sure what</p> <p>5 was said in their conversation?</p> <p>6 MR. PATTY: Object to the</p> <p>7 form.</p> <p>8 A. I'm just telling you that -- I'm telling</p> <p>9 you what Dr. Owens told me. I wasn't a</p> <p>10 fly on the wall. That's just -- that's</p> <p>11 what he told me.</p> <p>12 Q. Okay. And I'm not trying to be</p> <p>13 difficult, I promise. And I might just</p> <p>14 be getting confused. But I'm trying to</p> <p>15 ascertain what he said Mr. Barker said</p> <p>16 or what he was just saying. Like</p> <p>17 Dr. Owens was saying -- was he the one</p> <p>18 saying you shouldn't drive a Mercedes</p> <p>19 and things of that nature, as opposed to</p> <p>20 did he tell you that he was repeating</p> <p>21 something that Jimmy Barker allegedly</p> <p>22 said to him?</p> <p>23 MR. PATTY: Object to the</p>
<p style="text-align: right;">273</p> <p>1 was his opinion, or that was something</p> <p>2 that Jimmy Barker said?</p> <p>3 A. He was telling me that was the opinion.</p> <p>4 Q. That that was the opinion from who?</p> <p>5 A. Well, he told me Mr. Barker said it.</p> <p>6 Q. And I'm sorry. I'm not trying to catch</p> <p>7 you, but did he say that Mr. Barker said</p> <p>8 the things about you need to buy a truck</p> <p>9 and things like that, or had Mr. Barker</p> <p>10 said some things that gave Dr. Owens the</p> <p>11 opinion that you should do those things?</p> <p>12 A. Those are the opinions that Dr. Owens</p> <p>13 conveyed based on his conversation that</p> <p>14 he told me he had with Mr. Barker.</p> <p>15 Q. Do you know then specifically what was</p> <p>16 said between Jimmy Barker and Dr. Owens?</p> <p>17 A. None other than what Dr. Owens conveyed</p> <p>18 to me.</p> <p>19 Q. Did he convey anything specific that</p> <p>20 Mr. Barker had said to him?</p> <p>21 A. Dr. Owens just started the conversation</p> <p>22 by telling me, Brother Lowe, I had to</p> <p>23 really defend you today. And then I</p>	<p style="text-align: right;">275</p> <p>1 form.</p> <p>2 Q. And I'm sorry if I'm not --</p> <p>3 A. He told me that he had to defend me</p> <p>4 today. And he talked with Mr. Barker,</p> <p>5 and these are some of the things that,</p> <p>6 Brother Lowe, you need to do. Because</p> <p>7 these are the opinions that are out</p> <p>8 there about you, and this is why people</p> <p>9 don't take you seriously as far as the</p> <p>10 jobs that I was trying to attain.</p> <p>11 That's what he told me.</p> <p>12 Q. Okay. Dr. Owens told you that at what</p> <p>13 time, in your first or second year at</p> <p>14 Daisy Lawrence after you came back?</p> <p>15 A. That was the second year.</p> <p>16 Q. Oh, I'm sorry. You've already -- that</p> <p>17 was either right before or right after</p> <p>18 you got pink-slipped you said?</p> <p>19 A. It was either a day before or a day</p> <p>20 after.</p> <p>21 Q. You said that already, okay.</p> <p>22 Okay. We've talked about Lois</p> <p>23 Johnson, we've talked about Dr. Carter,</p>

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1 and we've talked about Jimmy Barker.  
2 Well, let me back up and give you an  
3 opportunity. Those are the two things  
4 you had told me Mr. Barker had allegedly  
5 said that related to your mother in any  
6 way. Those are the two incidents. Do  
7 you have any that you've remembered now  
8 or anything you want to add to that?  
9 A. Those still stand.  
10 Q. Okay. Anybody else? Anybody else that  
11 made comments to that effect in relation  
12 to your mother that we have not  
13 discussed, which I guess would involve  
14 Dr. Owens? Anybody else?  
15 A. Who made statements to me about, I  
16 guess, some of the difficulties that I  
17 was having, what they stemmed from?  
18 Q. Yeah. That's fair.  
19 A. No.  
20 Q. Okay. Let me look real quickly. We've  
21 talked about Karen Vann and Denita  
22 Easterling.  
23 Okay. No. 9 -- we only have

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1 one copy of this, so we'll share.  
2 A. Okay.  
3 Q. On Defense Exhibit 7, No. 9, it says:  
4 It has been brought to my attention that  
5 my name, among others, has been issued  
6 to school administrators as not being  
7 certified in teaching with reference to  
8 reading instruction. When you say your  
9 name, among others, just for  
10 clarification, you believe that there  
11 was a list or something that had your  
12 name on it and other people's names on  
13 it, and it was being circulated to the  
14 schools?  
15 A. Dr. Owens told me he received some  
16 information from Human Resources that  
17 said I was not certified.  
18 Q. Not certified in reading instruction?  
19 A. Not certified to teach reading.  
20 Q. And when did he tell you that?  
21 A. That was somewhere in that second year.  
22 Q. But you were already teaching reading at  
23 his school, according to you; is that

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1 correct?  
2 A. I was never teaching reading. I was  
3 serving as the reading coach. I never  
4 had a class role. I never had a  
5 classroom full of students.  
6 Q. Did you inquire as to what the problem  
7 was in regards to your certification?  
8 A. I did.  
9 Q. And what did you find out?  
10 A. I found out that I was certified and  
11 highly qualified.  
12 Q. Is this regarding the highly qualified  
13 issue? Is this the same thing as being  
14 highly qualified?  
15 A. HQ?  
16 Q. Because I had some documents, and I'll  
17 be glad to show them here to you. We'll  
18 mark this as Defense Exhibit --  
19 A. What are you asking me? Are you asking  
20 me -- what are you asking me?  
21 Q. Is the certification to teach reading  
22 instruction the same issue as whether or  
23 not you are highly qualified?

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1 A. It wasn't to me. I don't know if the  
2 school or Dr. Owens had it confused or  
3 was making an issue about it. I knew  
4 that I was certified and I knew that I  
5 was highly qualified.  
6 Q. Let me show you what I've marked as  
7 Defense Exhibit 12, and ask you if these  
8 are the documents that you recall being  
9 exchanged regarding that issue?  
10 (Whereupon Defendants'  
11 Exhibit No. 12 was marked  
12 for identification and  
13 attached hereto.)  
14 (Witness reviewed document.)  
15 A. Yes.  
16 Q. Okay. Look at that last document for  
17 me. Is that something where your hours  
18 or something are registered?  
19 A. This is the four-by-four that the state  
20 department in most schools use to --  
21 Q. For the highly-qualified calculation?  
22 A. To correlate with No Child Left Behind  
23 stipulation.



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1 **Q. Okay. It says here that you spoke on**  
 2 **the phone, and I guess this is from**  
 3 **Sandra Pugh --**  
 4 **A. Yes.**  
 5 **Q. -- about your highly qualified status as**  
 6 **a reading coach or as administrator, and**  
 7 **she explains that highly qualified does**  
 8 **not apply to those areas, but that she**  
 9 **reviewed you Class B elementary**  
 10 **certification, and that you needed**  
 11 **twelve semester hours, and that you were**  
 12 **three hours shy of that; is that**  
 13 **correct?**  
 14 **A. Three hours shy in what area?**  
 15 **Q. That you were three hours shy in math to**  
 16 **be considered highly qualified for**  
 17 **elementary ed.**  
 18 **A. And at the time she quoted that, the**  
 19 **course was clearly taken, because before**  
 20 **I could come back to Montgomery County,**  
 21 **Ms. Hicks required me to get a statement**  
 22 **from Alabama State that I did take that**  
 23 **extra math class.**

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1 **Q. Well, is this your response e-mail to**  
 2 **her where you acknowledge that you are**  
 3 **three hours shy in math? And I'm just**  
 4 **trying to --**  
 5 **(Witness reviewed document.)**  
 6 **A. I have completed the missing three hours**  
 7 **in math. I would like to have a copy --**  
 8 **yeah, I've completed that class. I was**  
 9 **just letting her know it was -- it**  
 10 **should have been in the personnel folder**  
 11 **somewhere. Because before I could -- I**  
 12 **was rehired back to Montgomery County.**  
 13 **I had to get a statement from the**  
 14 **registrar's office at Alabama State that**  
 15 **I had taken that additional class.**  
 16 **Q. But at some point, you needed the hours,**  
 17 **because you say here that you are aware**  
 18 **of the needed class hours; is that**  
 19 **correct?**  
 20 **A. I was aware of her stating that I needed**  
 21 **it. I was clearly aware of that. But**  
 22 **at the time I wrote that, I already had**  
 23 **it. I had it before I came back.**

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1 **Q. Were you satisfied with her explanation**  
 2 **as to why there wasn't a letter in your**  
 3 **file regarding highly qualified?**  
 4 **A. Not really.**  
 5 **Q. You just disagreed that the state**  
 6 **department didn't require that for your**  
 7 **category that you were teaching in?**  
 8 **A. Well, I refuted that, because I know**  
 9 **what Dr. Owens told me. And he wasn't**  
 10 **making it up, that it --**  
 11 **Q. So the answer is yes, you just disagreed**  
 12 **that you needed one in your file?**  
 13 **A. I disagreed.**  
 14 **Q. Okay. And No. 10 on Defense Exhibit 7,**  
 15 **it says you questioned Mr. Barker about**  
 16 **your name being given to him regarding a**  
 17 **recommendation for you to be an**  
 18 **administrative assistant at McKee Junior**  
 19 **High School. Do you mean by that, that**  
 20 **it was your understanding that the**  
 21 **principal asked for you to be hired?**  
 22 **A. Mr. Barker told me that Mr. Abrams asked**  
 23 **for me. And Mr. Abrams told me he asked**

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1 **for me.**  
 2 **Q. Bobby Abrams (phonetic)?**  
 3 **A. Bobby Abrams. And Mr. Looney was aware**  
 4 **that Bobby Abrams asked for me. Because**  
 5 **Mr. Looney said if there's a problem**  
 6 **when you see Mr. Barker, come back to**  
 7 **me. If you want Melvin Lowe, you can**  
 8 **have him.**  
 9 **Q. Who told him that?**  
 10 **A. Mr. Looney. Because in that same**  
 11 **conversation that I had with Mr. Barker,**  
 12 **Mr. Barker told me that Mr. Carter**  
 13 **said -- Mr. Barker told me I had a good**  
 14 **interview, and that Mr. Carter said that**  
 15 **you will either be in one of the --**  
 16 **you'll either be an administrator or you**  
 17 **will either be in one of these reading**  
 18 **positions. I rest -- I took rest,**  
 19 **because I assumed that to be true. And**  
 20 **when --**  
 21 **Q. Dr. Carter said that?**  
 22 **A. That's what Mr. Barker said he said.**  
 23 **Q. So this was the year after he said you**

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<p style="text-align: right;">284</p> <p>1 would only ever be a teacher?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. There was some disbelief, but Mr. Barker</p> <p>5 told me that's what he said.</p> <p>6 Q. What was the job that Bobby Abrams was</p> <p>7 recommending you to take?</p> <p>8 A. Administrative assistant.</p> <p>9 Q. It had nothing to do with Special</p> <p>10 Education?</p> <p>11 A. That comes later. That's the next year.</p> <p>12 Q. Okay.</p> <p>13 A. May I finish?</p> <p>14 Q. Go ahead. Yes, I apologize.</p> <p>15 A. And Mr. Abrams told me that Mr. Barker</p> <p>16 told him that he'd have to hire a</p> <p>17 female.</p> <p>18 Q. That he had to hire a female for the</p> <p>19 administrative assistant position at</p> <p>20 McKee?</p> <p>21 A. Yes.</p> <p>22 Q. Did a female get that job?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">286</p> <p>1 Q. -- if you can tell me about today an</p> <p>2 example of where a white applicant was</p> <p>3 hired where you believe or have</p> <p>4 information that the black applicant had</p> <p>5 better qualifications?</p> <p>6 MR. PATTY: Object to the</p> <p>7 form.</p> <p>8 Go ahead.</p> <p>9 Q. In any of these positions that you're</p> <p>10 referring to?</p> <p>11 A. I would have to know what qualifications</p> <p>12 were in the rubric, the assessment</p> <p>13 rubric, or whatever form of assessment</p> <p>14 was being used. And then I could</p> <p>15 balance it out and then say, Well, look,</p> <p>16 this is the reason I feel this way.</p> <p>17 Q. Is your statement here, then, that you</p> <p>18 just believe there's discriminatory</p> <p>19 practice, because there should be more</p> <p>20 black people in these positions you've</p> <p>21 listed?</p> <p>22 A. When you survey each department and you</p> <p>23 look at who holds the leadership</p>
<p style="text-align: right;">285</p> <p>1 Q. Did you ever talk to Mr. Barker about</p> <p>2 it?</p> <p>3 A. I don't think I did, not after that.</p> <p>4 Q. Okay. Because this again is in the</p> <p>5 Summer of '04.</p> <p>6 All right. And then you go on</p> <p>7 to talk about the limited number of</p> <p>8 black men in leadership or</p> <p>9 administrative positions. And I would</p> <p>10 just ask in general to any of these</p> <p>11 statistics or anything that y'all</p> <p>12 provided, do you have any information,</p> <p>13 sitting here today, where a white</p> <p>14 individual was hired over a black</p> <p>15 individual who was less qualified than</p> <p>16 the black applicant?</p> <p>17 MR. PATTY: Object to the</p> <p>18 form.</p> <p>19 A. You would have to poll the rubrics, the</p> <p>20 assessment rubrics that were used to</p> <p>21 weigh one applicant against another.</p> <p>22 Q. I'm just asking --</p> <p>23 A. Okay.</p>	<p style="text-align: right;">287</p> <p>1 positions, it's evident.</p> <p>2 Q. You say in the next paragraph that</p> <p>3 Dr. Carter told Mr. Barker in June of</p> <p>4 2003, that you would be in a reading</p> <p>5 position or administrative position for</p> <p>6 the upcoming school year. And that</p> <p>7 Mr. Barker told you that your interviews</p> <p>8 were excellent, and that he had heard a</p> <p>9 lot of great things regarding your</p> <p>10 knowledge of curriculum and instruction,</p> <p>11 and thus, the implementation of</p> <p>12 policy/procedures in an educational</p> <p>13 administration?</p> <p>14 A. Yes, that is true.</p> <p>15 Q. When did Mr. Barker tell you that?</p> <p>16 A. That was during the summer, that last</p> <p>17 summer right after Mr. Abrams informed</p> <p>18 me that he made a recommendation for me</p> <p>19 for the Assistant Principal's</p> <p>20 position -- administrative assistant's</p> <p>21 position at McKee. And that was right</p> <p>22 before Mr. Abrams came back to tell me</p> <p>23 that Mr. Barker said he would have to</p>

<p style="text-align: right;">288</p> <p>1 hire a female. That was what Mr. Barker 2 told me shortly after we had the large 3 group of interviews. 4 <b>Q. And Mr. Barker was a part of those</b> 5 <b>interviews?</b> 6 A. Yes. 7 <b>Q. And then through the course of your next</b> 8 <b>few paragraphs of this document, it</b> 9 <b>appears that you are addressing the</b> 10 <b>issue of your assignment to Daisy</b> 11 <b>Lawrence that last year and whether you</b> 12 <b>should have been assigned there and what</b> 13 <b>your job duties were?</b> 14 A. Yes. 15 <b>Q. And so I guess my question was: Have</b> 16 <b>you told us -- I think you testified</b> 17 <b>about that earlier. Is there anything</b> 18 <b>that you would like to add to that in</b> 19 <b>regards to your assignment at Daisy</b> 20 <b>Lawrence that last year or what your</b> 21 <b>job --</b> 22 MR. PATTY: Object to the 23 form.</p>	<p style="text-align: right;">290</p> <p>1 central office personnel that we do not 2 have the curriculum. The teachers have 3 not received the training. What are we 4 to do all year with these students? 5 They are not receiving any type of 6 reading instruction. Nor am I still 7 being paid as a reading coach, but I'm 8 still tasked with doing all of the 9 assessments that all of the reading 10 coaches take part in. 11 <b>Q. You say you were the lead reading coach.</b> 12 <b>Who were the other reading coaches?</b> 13 A. I would the lead reading coach at 14 Southlawn. Karen Vann -- 15 <b>Q. At Southlawn?</b> 16 A. Southlawn Elementary. 17 MR. PATTY: He said summer 18 of -- I'm sorry. He 19 said Summer of 2004? 20 THE WITNESS: Yeah. 21 MR. PATTY: 4? 22 THE WITNESS: No, 3 -- 4. 23 MR. PATTY: 4.</p>
<p style="text-align: right;">289</p> <p>1 A. What are you asking me in particular? 2 THE WITNESS: What did you 3 say? 4 MR. PATTY: I just said 5 object to form. 6 THE WITNESS: I'm sorry. 7 BY MRS. CARTER: 8 <b>Q. Is there any other complaint that you</b> 9 <b>make regarding your last year at Daisy</b> 10 <b>Lawrence, other than the fact that you</b> 11 <b>say you didn't have anything to do and</b> 12 <b>the kids weren't being taught?</b> 13 A. Well, what I -- I said the teachers -- 14 the students were not being taught the 15 curriculum, the prescribed curriculum 16 that was supposed to take place for the 17 implementation in the -- in the 18 alternative unit. In the alternative 19 program, the phonics reading program, I 20 implemented that program the prior 21 summer as lead reading coach, therefore, 22 I knew the program and the semantics of 23 the program. I communicated to many</p>	<p style="text-align: right;">291</p> <p>1 A. I was the lead reading coach. Karen 2 Vann was the other reading coach. Karen 3 Vann was the -- she was the second 4 reading coach. 5 <b>Q. It was just the two of y'all?</b> 6 A. Yes. Well, Karen Vann was only there 7 one week before summer school started. 8 And the week that summer school ended, I 9 was there the entire summer. 10 <b>Q. Okay.</b> 11 A. She participated in Special Development. 12 I didn't. 13 <b>Q. Okay. On down on No. 18, it says as a</b> 14 <b>point of interest your Powerpoint</b> 15 <b>presentation has been on the web. Tell</b> 16 <b>me about that.</b> 17 A. I was allowed to attend a professional 18 development workshop in Atlanta. 19 <b>Q. When was that?</b> 20 A. I would have to actually look back and 21 see what dates. I want to say it was in 22 October, 23rd and 24th. I'd have to 23 look back at the notes. And when I came</p>



<p style="text-align: right;">292</p> <p>1 back from the inservice, I developed, 2 according to best practice, some type of 3 tangible documentation that would 4 support the means for me having 5 attended. I developed a Powerpoint 6 presentation. I presented it to Sharon 7 Sewell (phonetic) and Mike Looney just 8 as a follow-up. 9 And we were scheduled to sit 10 and discuss the outcome, because I did 11 recommend part of that program to be 12 used with the alternative schools. In a 13 meeting for reading coaches and 14 principals, Mr. Looney asked me to share 15 some words on the presentation. And 16 then he informed me that it was placed 17 on the web page, and it has been on the 18 web page since March 24th of '04 19 identifying me as the reading coach for 20 the alternative school. 21 <b>Q. Is it '04 or '03?</b> 22 A. '04. And as of yesterday, it's still on 23 the web page.</p>	<p style="text-align: right;">294</p> <p>1 excuse me, 2003-2004 school year you 2 were nonrenewed or there was an attempt 3 to nonrenew you by the Board? 4 (Whereupon Defendants' 5 Exhibit No. 15 was marked 6 for identification and 7 attached hereto.) 8 (Witness reviewed document.) 9 A. Yes. 10 <b>Q. And I guess before that was corrected,</b> 11 <b>this is a letter dated May 19th, 2004.</b> 12 <b>Is this the correspondence where you</b> 13 <b>asked to be reinstated or interviewed</b> 14 <b>for other positions?</b> 15 (Whereupon Defendants' 16 Exhibit No. 16 was marked 17 for identification and 18 attached hereto.) 19 (Witness reviewed document.) 20 A. Yes, it is. 21 <b>Q. What I'll mark as Defense Exhibit 17 is</b> 22 <b>an e-mail from you dated June 23, 2004,</b> 23 <b>to Jimmy Barker and Carolyn Hicks where</b></p>
<p style="text-align: right;">293</p> <p>1 <b>Q. I just want to mark a couple of things</b> 2 <b>real quickly. Do you recognize that as</b> 3 <b>the document where you were nonrenewed</b> 4 <b>in 2002?</b> 5 (Whereupon Defendants' 6 Exhibit No. 13 was marked 7 for identification and 8 attached hereto.) 9 (Witness reviewed document.) 10 A. Yes. 11 <b>Q. That's marked as Defense Exhibit 13.</b> 12 <b>This is a letter dated</b> 13 <b>June 3rd, 2002. Is this the document</b> 14 <b>where you asked to be reinstated at</b> 15 <b>Southlawn, that you earlier referred to?</b> 16 (Whereupon Defendants' 17 Exhibit No. 14 was marked 18 for identification and 19 attached hereto.) 20 (Witness reviewed document.) 21 A. Yes, it is. 22 <b>Q. This is Defense Exhibit 15. Is this the</b> 23 <b>document where at the end of the 2004 --</b></p>	<p style="text-align: right;">295</p> <p>1 you're asking to interview for teaching 2 positions or lead positions; is that 3 correct? 4 (Whereupon Defendants' 5 Exhibit No. 17 was marked 6 for identification and 7 attached hereto.) 8 (Witness reviewed document.) 9 A. Yes, it is. 10 <b>Q. And then in August of 2004, is this a</b> 11 <b>Letter of Appointment stating that you</b> 12 <b>will be a teacher-tutor at Daisy</b> 13 <b>Lawrence Alternative School?</b> 14 A. Yes, it is. 15 <b>Q. And that was for the '05 -- excuse me,</b> 16 <b>'04-'05 school year, correct?</b> 17 A. Yes. 18 <b>Q. And in the Spring of 2005, you were</b> 19 <b>nonrenewed?</b> 20 A. Yes. 21 <b>Q. Let me mark Defense Exhibit 19, and ask</b> 22 <b>if you can tell me what this is, please,</b> 23 <b>sir.</b></p>

<p style="text-align: right;">296</p> <p>1           <b>(Whereupon Defendants'</b> 2           <b>Exhibit No. 19 was marked</b> 3           <b>for identification and</b> 4           <b>attached hereto.)</b> 5           <b>(Witness reviewed document.)</b> 6 A. This was a communication I sent to 7 Dr. Purcell asking for her help to be 8 reassigned and reemployed in Montgomery 9 County over the Summer of '05. 10 <b>Q. Did you receive a response from her to</b> 11 <b>this e-mail?</b> 12 A. She called me. 13 <b>Q. Okay. And did you have -- were you</b> 14 <b>there? Did she leave you a message, or</b> 15 <b>did you actually --</b> 16 A. We talked. 17 <b>Q. Okay. And what did y'all talk about?</b> 18 A. I asked her -- I just kind of gave her a 19 briefing, because I had -- we've talked. 20 And I asked her what could she do to 21 help me. And she told me that she could 22 see if there was anything she could do 23 to help.</p>	<p style="text-align: right;">298</p> <p>1 MRS. CARTER: Okay. Maybe 2 so. 3 THE WITNESS: I think I did. 4 MR. PATTY: We've covered 5 this conversation twice 6 before, I think. 7 THE WITNESS: Yeah. I'm 8 almost certain that I 9 did. 10 BY MRS. CARTER: 11 <b>Q. It's just confusing, because sometimes</b> 12 <b>when -- and I don't mean this bad, but</b> 13 <b>sometimes when you refer to summers or</b> 14 <b>dates, they've been -- but I think we</b> 15 <b>have it all clear now.</b> 16       <b>And this is not the</b> 17 <b>conversation we discussed earlier. It</b> 18 <b>can't be, because of when you said that</b> 19 <b>happened. And so I guess -- I mean,</b> 20 <b>have you had more than one conversation</b> 21 <b>with Dr. Owens where he told you that</b> 22 <b>Mr. Barker had said words to that</b> 23 <b>effect?</b></p>
<p style="text-align: right;">297</p> <p>1 <b>Q. On this document, it says that Dr. Owens</b> 2 <b>told you on May 19th, 2005, that Jimmy</b> 3 <b>Barker said that you were not liked by</b> 4 <b>the school system and you should have</b> 5 <b>never filed your lawsuit?</b> 6 A. That is true. 7 <b>Q. Dr. Owens told you that Jimmy Barker</b> 8 <b>said that?</b> 9 A. Yes. 10 <b>Q. Okay. Because you had not told us about</b> 11 <b>that earlier. And it might be that I</b> 12 <b>just limited my question to the time</b> 13 <b>period, and I apologize.</b> 14 A. Okay. 15       MR. PATTY: Object to that. 16       I think he did mention 17       that -- that the very 18       first time you asked 19       him about that 20       conversation, he said 21       he -- that Barker had 22       said that he shouldn't 23       have filed his lawsuit.</p>	<p style="text-align: right;">299</p> <p>1 A. We have. 2 <b>Q. So this would just be another one here</b> 3 <b>that you're reflecting in this</b> 4 <b>correspondence?</b> 5 A. Yes, the more recent. 6 <b>Q. Because this correspondence or this</b> 7 <b>conversation would have followed your</b> 8 <b>EEOC charge being filed and your lawsuit</b> 9 <b>being filed?</b> 10 A. Exactly. 11 <b>Q. Okay. The earlier conversation with</b> 12 <b>Dr. Owens was at a time when necessarily</b> 13 <b>Mr. Barker might not have known you had</b> 14 <b>filed an EEOC charge; is that fair to</b> 15 <b>say?</b> 16 A. No, it's not. 17 <b>Q. In the Summer of '04? Okay. I don't</b> 18 <b>think you had filed your EEOC charge by</b> 19 <b>the Summer of '04, but I apologize if</b> 20 <b>I'm wrong.</b> 21 A. Can I go back and readdress that? 22       MR. PATTY: If you need to 23       clarify it, I</p>

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300

1 mean . . .

2 **Q. I mean, I might be reflecting on**

3 **something in your testimony that's**

4 **incorrect. I was just trying to place**

5 **this together in my head so that I**

6 **didn't reask a million questions. But**

7 **it looks like to me that this would have**

8 **been another set --**

9 **A. The EEOC complaint was filed in . . .**

10 **Q. Your letters were sent in August of '04,**

11 **and the Complaint was filed in October**

12 **of '04.**

13 **MR. PATTY: Yeah. I was**

14 **thinking that y'all had**

15 **discussed this one.**

16 **Two previous times**

17 **there was a discussion**

18 **about a conversation**

19 **after the EEOC and**

20 **after the lawsuit was**

21 **filed.**

22 **MRS. CARTER: We were**

23 **talking about his first**

301

1 year back with

2 Dr. Owens.

3 **A. But to clarify that Mr. Barker didn't**

4 **know about the EEOC complaint, when**

5 **Dr. Owens positioned me knowing about**

6 **it, he told me Mr. Barker told him about**

7 **it.**

8 **Q. And you did tell me about that and at**

9 **the end of this school year when you**

10 **were pink-slipped. And you're right.**

11 **And we might be talking about two**

12 **different things, because we have**

13 **discussed that before.**

14 **A. Okay.**

15 **Q. And I just want to clarify: I guess it**

16 **would be within that conversation, then,**

17 **that he told you that Mr. Barker said**

18 **words to the effect that you shouldn't**

19 **have filed your lawsuit?**

20 **A. Yes.**

21 **Q. Okay. Did you and the superintendent,**

22 **during that phone conversation that**

23 **followed this e-mail, did y'all discuss**

302

1 **the fact that you had filed a lawsuit or**

2 **that Mr. Barker had allegedly said this**

3 **to Dr. Owens?**

4 **A. Dr. Purcell knew of that in January.**

5 **Q. That's not my question.**

6 **A. I'm sorry. Okay.**

7 **Q. My question is: When you talked to her**

8 **on the phone, did you discuss your**

9 **lawsuit? I'm not saying she didn't know**

10 **about it. I just want to know if you**

11 **talked to her about it during the phone**

12 **call that you say followed this**

13 **letter -- or this e-mail?**

14 **A. We did not talk about the lawsuit in our**

15 **conversation after this e-mail. We**

16 **talked about the lawsuit in January**

17 **before it was filed, so she knew of**

18 **everything surrounding. But after this**

19 **conversation, no, it wasn't necessary to**

20 **bring up the lawsuit again, because she**

21 **clearly had been served at that time.**

22 **Q. Okay. I'm going to show you what I'll**

23 **mark as Defense Exhibit 20, and ask if**

303

1 **that is -- if you recognize that as an**

2 **e-mail that you sent to Mr. Barker and**

3 **copied Dr. Purcell with?**

4 **(Whereupon Defendants'**

5 **Exhibit No. 20 was marked**

6 **for identification and**

7 **attached hereto.)**

8 **(Witness reviewed document.)**

9 **A. I do.**

10 **Q. Okay. Let me show you what I'll mark as**

11 **Defense Exhibit 21, and ask you what**

12 **this is and how it came about?**

13 **(Whereupon Defendants'**

14 **Exhibit No. 21 was marked**

15 **for identification and**

16 **attached hereto.)**

17 **(Witness reviewed document.)**

18 **A. This is a letter of recommendation from**

19 **Dr. Owens that he provided me. After my**

20 **lawsuit was filed, he then suggested to**

21 **me that a number of reasons I probably**

22 **wouldn't be able to get a job back in**

23 **Montgomery County based on conversations**



<p>304</p> <p>1 he had with Mr. Barker, and he had to</p> <p>2 constantly defend his position for</p> <p>3 hiring me. Therefore, Dr. Owens took it</p> <p>4 upon himself to write me a letter of</p> <p>5 recommendation to get a job somewhere</p> <p>6 else. Because, I guess, the tone was</p> <p>7 set that you won't be working here.</p> <p>8 <b>Q. Okay.</b></p> <p>9 MRS. CARTER: There's</p> <p>10 nothing on here that's</p> <p>11 privileged. I just</p> <p>12 realized that this fax</p> <p>13 is to you.</p> <p>14 (Whereupon an off-the-Record</p> <p>15 discussion was held.)</p> <p>16 BY MRS. CARTER:</p> <p>17 <b>Q. All right, 22. Could you please tell us</b></p> <p>18 <b>what that is, Defense Exhibit 22?</b></p> <p>19 (Whereupon Defendants'</p> <p>20 Exhibit No. 22 was marked</p> <p>21 for identification and</p> <p>22 attached hereto.)</p> <p>23 (Witness reviewed document.)</p>	<p>306</p> <p>1 A. This was a letter of interest or intent</p> <p>2 asking for an interview for System-wide</p> <p>3 Instructional Assistant positions.</p> <p>4 <b>Q. What about Defense Exhibit 25?</b></p> <p>5 (Whereupon Defendants'</p> <p>6 Exhibit No. 25 was marked</p> <p>7 for identification and</p> <p>8 attached hereto.)</p> <p>9 (Witness reviewed document.)</p> <p>10 A. This was after I interviewed with</p> <p>11 Dr. Owens for his reading coach position</p> <p>12 that was available at Patterson</p> <p>13 Elementary. This is what I gave him</p> <p>14 during the interview on some things that</p> <p>15 I had done in the area of reading</p> <p>16 instruction and some professional</p> <p>17 development that I participated in.</p> <p>18 <b>Q. So you re-interviewed with him that</b></p> <p>19 <b>summer for the reading coach position</b></p> <p>20 <b>for the 2005-2006 school year?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. Do you know whether he recommended you</b></p> <p>23 <b>for the job?</b></p>
<p>305</p> <p>1 A. This is a letter that I sent to</p> <p>2 Mr. Barker on June 26th of '05, asking</p> <p>3 him to accept my curriculum vitae in</p> <p>4 review for different postings in</p> <p>5 Montgomery County in reference to a job</p> <p>6 announcement on the 25th of May.</p> <p>7 <b>Q. And what about Defense Exhibit 23?</b></p> <p>8 (Whereupon Defendants'</p> <p>9 Exhibit No. 23 was marked</p> <p>10 for identification and</p> <p>11 attached hereto.)</p> <p>12 (Witness reviewed document.)</p> <p>13 A. This went along with an interview for</p> <p>14 assistant reading coaches. I think I</p> <p>15 sent this to Mr. Barker just to kind of</p> <p>16 outline some things that I had done in</p> <p>17 the area of reading instruction.</p> <p>18 <b>Q. And what about Defense Exhibit 24?</b></p> <p>19 (Whereupon Defendants'</p> <p>20 Exhibit No. 24 was marked</p> <p>21 for identification and</p> <p>22 attached hereto.)</p> <p>23 (Witness reviewed document.)</p>	<p>307</p> <p>1 A. Yes, he did.</p> <p>2 <b>Q. And did you have any communication with</b></p> <p>3 <b>him about why you did not receive the</b></p> <p>4 <b>job?</b></p> <p>5 A. Yes, I did.</p> <p>6 <b>Q. And what did he say to you?</b></p> <p>7 A. It was a string of events. He first</p> <p>8 told me he had to talk to Mr. Barker.</p> <p>9 After he told me he talked to</p> <p>10 Mr. Barker, it was still up in the air,</p> <p>11 because Mr. Barker had to communicate</p> <p>12 with Connie Mizell, who interviewed me</p> <p>13 for the position. And when I approached</p> <p>14 Mr. Barker, Mr. Barker told me that</p> <p>15 Connie Mizell said I had a poor</p> <p>16 interview.</p> <p>17 <b>Q. Mr. Barker said you had a poor</b></p> <p>18 <b>interview?</b></p> <p>19 A. He said that Connie Mizell stated I had</p> <p>20 a poor interview.</p> <p>21 <b>Q. Okay.</b></p> <p>22 A. That's who interviewed me. And we kept</p> <p>23 going back and forth until Dr. Owens</p>

<p>308</p> <p>1 finally positioned the school board</p> <p>2 again and told me that Ms. Carla</p> <p>3 Winborne told him, You're going to have</p> <p>4 to pick somebody else, because we're not</p> <p>5 hiring Melvin Lowe.</p> <p>6 <b>Q. Carla Winborne told Dr. Owens that?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. And what is Carla Winborne's position?</b></p> <p>9 A. She, I think, is an AA Specialist, a</p> <p>10 Human Resource Specialist in Human</p> <p>11 Resources.</p> <p>12 <b>Q. And do you know why she said she was not</b></p> <p>13 <b>going to hire you or that the school</b></p> <p>14 <b>board wasn't going to hire you?</b></p> <p>15 A. I don't know. She told me that --</p> <p>16 Dr. Owens told me that's what she told</p> <p>17 him, that they, whoever "they" the</p> <p>18 pronoun is, that they were not going to</p> <p>19 hire me and to pick somebody else.</p> <p>20 <b>Q. Let me show you what I've made kind of</b></p> <p>21 <b>as a composite exhibit instead of going</b></p> <p>22 <b>to each one of these individually, and</b></p> <p>23 <b>what I would characterize as what</b></p>	<p>310</p> <p>1 <b>these e-mails are to people that the</b></p> <p>2 <b>faxes didn't go through on?</b></p> <p>3 <b>(Whereupon Defendants'</b></p> <p>4 <b>Exhibit Nos. 26 and 27</b></p> <p>5 <b>were marked for</b></p> <p>6 <b>identification and</b></p> <p>7 <b>attached hereto.)</b></p> <p>8 A. Or didn't have a fax number available.</p> <p>9 <b>Q. Or didn't have a fax number available,</b></p> <p>10 <b>okay. We'll get --</b></p> <p>11 A. Might I add that Ms. Winborne advised me</p> <p>12 to do this and keep the documentation.</p> <p>13 <b>Q. Ms. Winborne, who is the person that</b></p> <p>14 <b>told Dr. Owens, We're not going to hire</b></p> <p>15 <b>him?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And she told you to keep good</b></p> <p>18 <b>documentation about your communication</b></p> <p>19 <b>with the different schools?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. I'm going to put this aside so it</b></p> <p>22 <b>doesn't get scrambled. I'm not</b></p> <p>23 <b>going to refer to it again. It's just</b></p>
<p>309</p> <p>1 <b>appears to me to be correspondence that</b></p> <p>2 <b>you had with central office or various</b></p> <p>3 <b>principals in regards to jobs that you</b></p> <p>4 <b>were interested in, administrative</b></p> <p>5 <b>positions, coaching positions. And if</b></p> <p>6 <b>you want to flip through that and make</b></p> <p>7 <b>sure I characterized that right.</b></p> <p>8 A. No coaching positions. Reading coach.</p> <p>9 <b>Q. I mean -- that's what I meant to say.</b></p> <p>10 <b>I'm sorry. Hey, my dad's a football</b></p> <p>11 <b>coach, so I made a slip on that. All</b></p> <p>12 <b>right?</b></p> <p>13 A. Right here what you have are the e-mail</p> <p>14 communications for the principals that I</p> <p>15 was unable to contact via fax.</p> <p>16 <b>Q. And we're fixing to mark that. But what</b></p> <p>17 <b>I'll mark as Defense Exhibit 27, it</b></p> <p>18 <b>looks like to me -- and if we've made a</b></p> <p>19 <b>mistake, it was on accident -- it seems</b></p> <p>20 <b>to be verification of good transmission</b></p> <p>21 <b>to the various school locations where</b></p> <p>22 <b>you sent faxes. So what you're telling</b></p> <p>23 <b>us is if we compared 27 to 26, a lot of</b></p>	<p>311</p> <p>1 <b>to note . . .</b></p> <p>2 <b>Okay. Let me show you what</b></p> <p>3 <b>we'll mark as Defense Exhibit 28. That</b></p> <p>4 <b>appears to be an e-mail from you to</b></p> <p>5 <b>Jimmy Barker on June 23rd, 2005. Tell</b></p> <p>6 <b>us about that e-mail, please, sir.</b></p> <p>7 <b>(Whereupon Defendants'</b></p> <p>8 <b>Exhibit No. 28 was marked</b></p> <p>9 <b>for identification and</b></p> <p>10 <b>attached hereto.)</b></p> <p>11 <b>(Witness reviewed document.)</b></p> <p>12 A. This -- this was where I sent this</p> <p>13 communication to Mr. Barker suggesting</p> <p>14 to him, for whatever reason, if there</p> <p>15 had been any uncommunicated</p> <p>16 disagreements, I still need you to work</p> <p>17 with me as far as securing employment in</p> <p>18 this school district.</p> <p>19 <b>Q. And what about this Defense Exhibit 29</b></p> <p>20 <b>from Mr. Barker?</b></p> <p>21 <b>(Whereupon Defendants'</b></p> <p>22 <b>Exhibit No. 29 was marked</b></p> <p>23 <b>for identification and</b></p>

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<p style="text-align: right;">312</p> <p>1           <b>attached hereto.)</b> 2           <b>(Witness reviewed document.)</b> 3 A. This was after Dr. Purcell and 4 Mr. Barker spoke to the entire faculty 5 at Daisy Lawrence about the school being 6 closed due to reorganization and funding 7 and some deficiencies in those areas. 8 The question was posed by a teacher, 9 Will everyone be placed? And 10 Dr. Purcell stated that everyone will be 11 placed, however, tenured people would 12 have first choice and they will be 13 placed first. And Mr. Barker seconded 14 that. Which is my reason in here I 15 revisited -- I'm not putting words in 16 your mouth, but this is what she said. 17 And everybody has been placed, tenured 18 and nontenured, except Melvin Lowe, and 19 I need some help. And this was where he 20 provide me with his explanation. 21 <b>Q. Now, Defense Exhibit 19 refers to a</b> 22 <b>woman by the name of Zara Brown, who you</b> 23 <b>say in here was not reassigned?</b></p>	<p style="text-align: right;">314</p> <p>1   <b>to put words in your mouth -- would your</b> 2 <b>Complaint then not be -- it's not about</b> 3 <b>the nonrenewal so much as not</b> 4 <b>reassigning you somewhere?</b> 5           MR. PATTY: Object to the 6           form. 7           Go ahead. 8 A. The nonrenewal was just a process. Not 9 assigning me anywhere was the action. 10 <b>Q. Let me show you Defense Exhibit 30.</b> 11 <b>This seems to be an application for a</b> 12 <b>summer school program, what a blank</b> 13 <b>application looks like, and then the</b> 14 <b>general information on the program of</b> 15 <b>2005. Is part of your claim that you</b> 16 <b>were also discriminated against by not</b> 17 <b>getting the summer school job in the</b> 18 <b>year of 2005?</b> 19           <b>(Whereupon Defendants'</b> 20 <b>Exhibit No. 30 was marked</b> 21 <b>for identification and</b> 22 <b>attached hereto.)</b> 23 <b>(Witness reviewed document.)</b></p>
<p style="text-align: right;">313</p> <p>1 A. At this particular time, we were the 2 only two from Daisy Lawrence who had not 3 been reassigned. 4 <b>Q. Was she eventually reassigned?</b> 5 A. Yes. 6 <b>Q. Okay. And where did she go?</b> 7 A. Chisholm Elementary. 8 <b>Q. Okay. So to your knowledge, after that</b> 9 <b>overhaul -- because you don't disagree,</b> 10 <b>do you, that in the Spring of '05, there</b> 11 <b>was an overhaul of Daisy Lawrence, the</b> 12 <b>system, the school?</b> 13 A. It was. 14 <b>Q. Right. And so tenured people from that</b> 15 <b>school had to be placed somewhere, and</b> 16 <b>then all nontenured people were</b> 17 <b>nonrenewed, and then an attempt to place</b> 18 <b>them somewhere. It's just your position</b> 19 <b>that you were the only person that</b> 20 <b>didn't get reassigned somewhere; is that</b> 21 <b>correct?</b> 22 A. Exactly. 23 <b>Q. Okay. So your Complaint -- I don't mean</b></p>	<p style="text-align: right;">315</p> <p>1 A. Yes. 2 <b>Q. Do you have any jobs in particular that</b> 3 <b>you allege to have not received in the</b> 4 <b>Summer of 2005 as a result of race or</b> 5 <b>sex in retaliation, and, I guess, now</b> 6 <b>retaliation for the lawsuit that you</b> 7 <b>filed, the EEOC charge lawsuit?</b> 8 A. Yes. 9 <b>Q. Okay. What particular jobs in the</b> 10 <b>summer school program do you make that</b> 11 <b>claim about?</b> 12 A. In the summer school program, or in the 13 entire program? Now, summer school 14 program is one. There are four others. 15 <b>Q. What do you mean? I'm sorry, I don't --</b> 16 A. This was the first after the lawsuit was 17 filed and Daisy Lawrence was closed. 18 <b>Q. Right. And that's where I want us to go</b> 19 <b>now --</b> 20 A. Okay. 21 <b>Q. -- is the grouping of jobs --</b> 22 A. During that summer. 23 <b>Q. Right. In each summer job and then</b></p>

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1 **we'll talk about the fall jobs.**  
 2 A. I didn't even get an interview, didn't  
 3 even get placed. And with this  
 4 particular assignment, who better  
 5 qualified than I who started with the  
 6 initial reading programs, who went  
 7 through all of the intensive training,  
 8 all of the professional development  
 9 training, whatever you want to call it,  
 10 who implemented the program at one  
 11 school, implemented the second program  
 12 at a summer school site, who knew the  
 13 program back and forth, who had provided  
 14 the documentations, along with all of  
 15 the other reading coaches to central  
 16 office, who had provided a Powerpoint  
 17 presentation for whatever reason, be it  
 18 good or bad, was placed on the web page  
 19 that sited my competencies. I wasn't  
 20 allowed to teach or serve as a reading  
 21 coach for the summer reading program,  
 22 when the prior summer, I served as the  
 23 lead reading coach. It just seemed real

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1 odd that after the lawsuit was filed and  
 2 then two grievances filed on Mr. Barker,  
 3 that all of this just happened by  
 4 coincidence.  
 5 **Q. What do you mean by "grievances filed on**  
 6 **Mr. Barker"?**  
 7 A. I filed two grievances with AEA. One  
 8 having to do with retaliation on  
 9 professional development. And I'll have  
 10 to look back and see what the other one  
 11 was. Not being afforded an opportunity  
 12 to participate in professional  
 13 development.  
 14 **Q. Was that something that you did -- I'm**  
 15 **not sure even how that process works,**  
 16 **and I apologize. But is that something**  
 17 **he would have known about, or would it**  
 18 **have been mediated or worked out with**  
 19 **him? How does that work?**  
 20 A. He knew about it, because he mentioned  
 21 it to me.  
 22 **Q. Well, I'm not saying he didn't.**  
 23 A. Okay.

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1 **Q. I'm just kind of -- I guess I'm not**  
 2 **exactly sure what you're talking about.**  
 3 A. AEA felt that because all of this was  
 4 getting ready to take place, that would  
 5 tie into this. It was all a joint.  
 6 MR. PATTY: He seeks the  
 7 UniServe or whoever's  
 8 assistant to intervene,  
 9 and the UniServe person  
 10 would make the contact.  
 11 MRS. CARTER: Would  
 12 intervene, right.  
 13 MR. PATTY: Right.  
 14 MRS. CARTER: Right. That's  
 15 what I thought.  
 16 BY MRS. CARTER:  
 17 **Q. And so then, because you went on and**  
 18 **filed with the EEOC, or whatever, that**  
 19 **kind of, I guess, usurps that process or**  
 20 **whatever --**  
 21 MR. PATTY: I think the EEOC  
 22 was already filed when  
 23 the leave issue came

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1 up. I think the leave  
 2 issue he's referring to  
 3 was October of --  
 4 MRS. CARTER: Yeah, we're  
 5 about to get into that.  
 6 MR. PATTY: Okay.  
 7 BY MRS. CARTER:  
 8 **Q. Okay. And that's what I'm going to do.**  
 9 **If I can, just to give you a game plan**  
 10 **of where we're headed --**  
 11 MRS. CARTER: Let's go off  
 12 the Record for a  
 13 second.  
 14 (Whereupon an off-the-Record  
 15 discussion was held.)  
 16 BY MRS. CARTER:  
 17 **Q. All right. I'm going to mark as a**  
 18 **composite exhibit, Defense Exhibit 31.**  
 19 **And I do not mean to represent that**  
 20 **these are all the postings for any job**  
 21 **you've applied for, but simply that**  
 22 **these are the ones that your lawyer**  
 23 **supplied me that you had in regards to**

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<p style="text-align: right;">320</p> <p>1 job postings. So if you want to just 2 flip through there and see if that looks 3 accurate to review. Those are the job 4 postings that you had copies of. 5 (Whereupon Defendants' 6 Exhibit No. 31 was marked 7 for identification and 8 attached hereto.) 9 (Witness reviewed 10 documents.) 11 A. These are they. 12 Q. Did you supply copies of every job 13 posting that you had? 14 A. All of those that I applied for or was 15 interested in and was unable to apply. 16 Q. All right. So that's what this is, are 17 the postings, Defense Exhibit 31? 18 A. Uh-huh (affirmative response). 19 Q. Okay. I have a stack of documents here, 20 and I'm not sure how to mark them, 21 because some of them seem to be 22 repetitive to me. But it regards the 23 incident where you requested</p>	<p style="text-align: right;">322</p> <p>1 is that fair to say? 2 A. I requested to go. I held a verbal 3 conversation with Mike Looney, who 4 encouraged me to go, along with Judy 5 Wardoff (phonetic) and Linda Sexton, who 6 encouraged me to go. I compiled my 7 information, filed it with Dr. Owens. 8 Dr. Owens approved it. If you look at 9 the date of when I gave it to him and 10 how long it sat before I was notified 11 that I would not be allowed to go, as 12 opposed to some of the other 13 professional development activities from 14 other persons in the same school who 15 applied to go different places and the 16 turnaround time. When I asked 17 Mr. Barker, Why was mine denied by you 18 and all of my other professional 19 development activities had been approved 20 by Carol Hicks, but like all of mine all 21 of a sudden are being denied by you, 22 Mr. Barker told me that Mr. Looney said 23 that he didn't see where a classroom</p>
<p style="text-align: right;">321</p> <p>1 professional leave -- I mean, 2 professional development time or leave 3 to go on professional development to 4 speak or to present at Nova in October 5 of 2004. Do you know what I'm talking 6 about? 7 A. Correction. That was to present at the 8 national -- what is that? Yeah, the 9 National Schools for Reform Conference. 10 It was not Nova. I don't want anyone to 11 think that it had anything to do with my 12 doctoral program. 13 Q. Oh, it was sponsored by Nova. 14 A. It was sponsored. 15 Q. Okay. That's where I got it. Well, I 16 wasn't trying to throw you a curve ball. 17 A. I know you're not. 18 Q. And I think that some of this stuff is 19 just repetitive, but tell me -- I'll try 20 to flip through real quick -- tell me 21 about that. I mean, you requested to go 22 for this professional development, and I 23 guess you did not hear back initially;</p>	<p style="text-align: right;">323</p> <p>1 teacher was sufficient enough to present 2 at a national conference, which 3 conflicts with what Mr. Looney provided 4 me in a written e-mail. 5 Q. Okay. So you feel like this was some 6 type of retaliation or discrimination -- 7 A. Yes, I do. 8 Q. -- the way you were treated about this 9 professional development? 10 A. Yes, I do. And being that I had 11 communicated with Dr. Purcell about it, 12 and she even felt that it was a 13 wonderful opportunity to have 14 representation from Montgomery County at 15 this event. 16 Q. How did it come about that you were 17 asked to present? Did you ask them if 18 you could present? 19 A. I received the correspondence in the 20 mail. And I did, I initially registered 21 as a presenter. And everything from 22 there began to develop. And they asked 23 me to send in a scoping sequence of what</p>

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<p>324</p> <p>1 I was going to present. I did, which</p> <p>2 you see my itinerary and everything that</p> <p>3 is listed that I was going to present,</p> <p>4 the time framing --</p> <p>5 <b>Q. Yeah. Let me show you, this is Defense</b></p> <p>6 <b>Exhibit 32, which is just a grouping of</b></p> <p>7 <b>documents that seems to be -- and I know</b></p> <p>8 <b>some of it is repetitive, but I was just</b></p> <p>9 <b>scared not to mark it all -- I guess in</b></p> <p>10 <b>regards to who you corresponded with,</b></p> <p>11 <b>where you have the program, a copy of</b></p> <p>12 <b>the program, your application, your</b></p> <p>13 <b>request to speak. The request to speak</b></p> <p>14 <b>was dated in October, and it says, Dear</b></p> <p>15 <b>Colleague. It seemed to be they were</b></p> <p>16 <b>responding to a request from you. And</b></p> <p>17 <b>that's what I was asking is: Did you</b></p> <p>18 <b>request?</b></p> <p>19 (Whereupon Defendants'</p> <p>20 Exhibit No. 32 was marked</p> <p>21 for identification and</p> <p>22 attached hereto.)</p> <p>23 (Witness reviewed</p>	<p>326</p> <p>1 Even breaking down the expenditures and</p> <p>2 what I would need in order to present.</p> <p>3 <b>Q. Who did you give -- who did you prepare</b></p> <p>4 <b>that for?</b></p> <p>5 A. Did I -- I don't know. I know</p> <p>6 Dr. Purcell got a copy.</p> <p>7 <b>Q. I mean, I guess what I mean by</b></p> <p>8 <b>that is --</b></p> <p>9 A. This was for me to be able to validify</p> <p>10 what I was doing. And then I also</p> <p>11 provided -- I think I gave Dr. Owens a</p> <p>12 copy of this, Mr. Looney, and</p> <p>13 Dr. Purcell, to show that everything I'm</p> <p>14 doing is well thought, well planned.</p> <p>15 And they even had a copy of what I was</p> <p>16 going to present in case there was a</p> <p>17 problem with it, to critique it. But</p> <p>18 one of the items I was going to present</p> <p>19 was the presentation that's still on the</p> <p>20 web page, because those are still some</p> <p>21 active curricular components that are in</p> <p>22 place in Montgomery County and other</p> <p>23 school districts.</p>
<p>325</p> <p>1 documents.)</p> <p>2 A. After I received this in the mail, I</p> <p>3 then applied to present.</p> <p>4 <b>Q. Okay. And you're referring to what</b></p> <p>5 <b>I would call the brochure?</b></p> <p>6 A. The brochure.</p> <p>7 <b>Q. So then you make application to present,</b></p> <p>8 <b>and then you get this October letter</b></p> <p>9 <b>that says, I'm writing to invite you to</b></p> <p>10 <b>present a Best Practice Workshop?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. Okay. Tell me what Defense Exhibit 33</b></p> <p>13 <b>is.</b></p> <p>14 (Whereupon Defendants'</p> <p>15 Exhibit No. 33 was marked</p> <p>16 for identification and</p> <p>17 attached hereto.)</p> <p>18 (Witness reviewed document.)</p> <p>19 A. This is the itinerary of what I would</p> <p>20 present, how long -- I mean, just</p> <p>21 basically the flow of my presentation.</p> <p>22 Who, what, when, and where. My target</p> <p>23 audience. How long I'm going to take.</p>	<p>327</p> <p>1 <b>Q. Let me show you what I'll mark as</b></p> <p>2 <b>Defense Exhibit 34 and Defense Exhibit</b></p> <p>3 <b>35. And if you could, tell me what</b></p> <p>4 <b>these are.</b></p> <p>5 (Whereupon Defendants'</p> <p>6 Exhibit Nos. 34 and 35</p> <p>7 were marked for</p> <p>8 identification and</p> <p>9 attached hereto.)</p> <p>10 (Witness reviewed</p> <p>11 documents.)</p> <p>12 A. 35 is a presentation that I designed for</p> <p>13 the workshop, the presentation. And</p> <p>14 this has to deal with all of the</p> <p>15 programs that we're now using in</p> <p>16 Montgomery County before the initial</p> <p>17 inception of the reading interventions.</p> <p>18 The second one, Exhibit 35,</p> <p>19 this is the actual presentation. Like I</p> <p>20 said, of '04, March 24th of '04, that is</p> <p>21 on the web page that I was going to also</p> <p>22 present. Because I had three fragmented</p> <p>23 areas.</p>



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1 **Q. So you developed all this material?**  
 2 **A. Yes.**  
 3 **Q. Okay. Did you take it from anything?**  
 4 **Like what did you take this from?**  
 5 **A. That's my own development.**  
 6 **Q. Okay. I guess I was just seeing quotes**  
 7 **and stuff. I didn't know.**  
 8 **A. The quotes are coming from persons who**  
 9 **I'm pulling information, authorities in**  
 10 **reading education or authorities in**  
 11 **research and development.**  
 12 **Q. I'm going to show you two other**  
 13 **documents that I'm not going to mark.**  
 14 **It looks to me to be a different copy in**  
 15 **a different form of Defense Exhibits 34**  
 16 **and 35, which are much easier to read;**  
 17 **is that accurate?**  
 18 **A. This one here is not even in here. This**  
 19 **one here, one, two, and three are**  
 20 **different. This one here,**  
 21 **Accountability That's Accountable, it's**  
 22 **this one here. It's just in --**  
 23 **Q. A different format?**

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1 **A. -- a worksheet form.**  
 2 **Q. Okay. Well, let's get rid of that.**  
 3 **Then this one is a separate one?**  
 4 **A. All three of these are different.**  
 5 **Q. Okay. I did not catch that. All right.**  
 6 **A. This one has to deal with Harcourt --**  
 7 **implementation for Harcourt and**  
 8 **interventions at an early -- childhood**  
 9 **interventions. This has to deal with**  
 10 **total accountability with your reading**  
 11 **programs, from using two major**  
 12 **assessments and reading programs. And**  
 13 **this one here has to deal with a**  
 14 **successful implementation that is in**  
 15 **place in Montgomery County to show other**  
 16 **school districts of similar populations**  
 17 **what will and what won't work. And all**  
 18 **of those are identified in this document**  
 19 **here, Exhibit 33, with the amount of**  
 20 **time that I'm going to spend on each**  
 21 **presentation, the number of copies that**  
 22 **I plan on disseminating. I mean,**  
 23 **everything from top to bottom. And**

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1 **Mr. Looney said fine.**  
 2 **Q. Do you have a better copy of this, like**  
 3 **if we had to get our hands on a better**  
 4 **copy of this?**  
 5 **A. If I don't have it on disk with me right**  
 6 **now, I can easily pull it up. I do have**  
 7 **it.**  
 8 **Q. Okay. Oh, yeah, I don't mean right now.**  
 9 **And when I say "this," I meant Defense**  
 10 **Exhibit 36.**  
 11 **(Whereupon Defendants'**  
 12 **Exhibit No. 36 was marked**  
 13 **for identification and**  
 14 **attached hereto.)**  
 15 **THE WITNESS: You might have**  
 16 **a better copy. You**  
 17 **know, you may have a**  
 18 **larger copy. But I can**  
 19 **easily do one.**  
 20 **Q. When you say Mr. Looney, is that who you**  
 21 **first had to go through? What was the**  
 22 **process that you had to go through? You**  
 23 **spoke to Mr. Looney and he said, Go for**

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1 **it; it sounds good?**  
 2 **A. And then I wrote the initial request and**  
 3 **presented it to Dr. Owens.**  
 4 **Q. Is it common for a teacher to take off**  
 5 **time like this and get this kind of**  
 6 **expenses to go present at a conference?**  
 7 **A. I've seen it in other districts, and I'm**  
 8 **almost certain that it has been done in**  
 9 **our district.**  
 10 **Q. Can you give me any examples of anybody**  
 11 **who's allowed to go off on a trip like**  
 12 **this to present that works in our**  
 13 **district?**  
 14 **A. I would actually have to sit and go --**  
 15 **that's privileged information. I would**  
 16 **have to actually go and look through**  
 17 **some of the professional development.**  
 18 **But it wasn't something that was so**  
 19 **farfetched, because Mr. Looney would**  
 20 **have said nay or yea. And he said yea.**  
 21 **Q. So who put the kibosh on it? Who said**  
 22 **no?**  
 23 **A. Mr. Barker.**

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<p style="text-align: right;">332</p> <p>1 <b>Q. Okay. And how do you know that? Did</b> 2 <b>you talk to him about it?</b> 3 A. He told me that -- after receiving the 4 notice where it was declined, he then 5 told me that Mr. Looney said that he 6 didn't see where a classroom teacher was 7 sufficient enough to present and 8 represent the school district at a 9 national conference, which I said 10 contradicts what he told me and e-mailed 11 me. 12 <b>Q. Contradicts what Mr. Looney told you and</b> 13 <b>e-mailed you?</b> 14 A. Contradicts what Mr. Barker said 15 Mr. Looney said. 16 <b>Q. Okay. I've got -- let's see. Let me</b> 17 <b>see if I can find it real quick. I have</b> 18 <b>a copy of an e-mail that Mr. Looney sent</b> 19 <b>you when you inquired of him or asked</b> 20 <b>for his help. Is there more than one</b> 21 <b>e-mail that you know of?</b> 22 A. No, there was just the one, I believe. 23 <b>Q. Okay. Were there any other occasions</b></p>	<p style="text-align: right;">334</p> <p>1 <b>for identification and</b> 2 <b>attached hereto.)</b> 3 <b>(Witness reviewed document.)</b> 4 A. It is. 5 <b>Q. And it says here on the third page of</b> 6 <b>this exhibit that there's an</b> 7 <b>acknowledgment that she received the</b> 8 <b>communication. Did you receive an</b> 9 <b>e-mail back from her or a phone call</b> 10 <b>from her, or either or neither?</b> 11 A. No, we didn't talk after this. I just 12 got the acknowledgment that she received 13 it. 14 <b>Q. Okay. Before I make this an exhibit,</b> 15 <b>let me show you some other documents and</b> 16 <b>ask if this is the other professional</b> 17 <b>development that you might be referring</b> 18 <b>to?</b> 19 <b>(Witness reviewed document.)</b> 20 A. This is one of them, I believe, yes. 21 <b>Q. And this is a request that was denied,</b> 22 <b>the documents you're looking at?</b> 23 A. Yes. And this was a free one.</p>
<p style="text-align: right;">333</p> <p>1 <b>that you were denied professional</b> 2 <b>development opportunities that you think</b> 3 <b>was discriminatory or retaliatory</b> 4 <b>against you?</b> 5 A. Yes. I would have to look at the 6 request. 7 <b>Q. Before we get to that, let me show you</b> 8 <b>what I've marked as Defense Exhibit 37.</b> 9 <b>Is this the e-mail that you have been</b> 10 <b>referring to from Mike Looney?</b> 11 <b>(Whereupon Defendants'</b> 12 <b>Exhibit No. 37 was marked</b> 13 <b>for identification and</b> 14 <b>attached hereto.)</b> 15 <b>(Witness reviewed document.)</b> 16 A. It is. 17 <b>Q. And I'll show you what I've marked as</b> 18 <b>Defense Exhibit 38. And is this an</b> 19 <b>e-mail where you shared the information</b> 20 <b>and what had transpired regarding your</b> 21 <b>request with Dr. Purcell?</b> 22 <b>(Whereupon Defendants'</b> 23 <b>Exhibit No. 38 was marked</b></p>	<p style="text-align: right;">335</p> <p>1 <b>Q. Do all the documents that you're looking</b> 2 <b>at refer to that professional</b> 3 <b>development request?</b> 4 <b>(Witness reviewed document.)</b> 5 A. Yes. 6 <b>Q. We'll make that Exhibit 39.</b> 7 <b>(Whereupon Defendants'</b> 8 <b>Exhibit No. 39 was marked</b> 9 <b>for identification and</b> 10 <b>attached hereto.)</b> 11 <b>Q. Who said no to that one?</b> 12 A. This one here, Dr. Owens approved. But 13 then he came back and told me that he 14 couldn't approve it, because Mr. Barker 15 said it wasn't in line with my job 16 description. 17 <b>Q. Do people's request for professional</b> 18 <b>development get approved or disapproved</b> 19 <b>based on certain factors regarding</b> 20 <b>whether it fits in their job</b> 21 <b>description?</b> 22 A. As with all. As with all. 23 <b>Q. I mean, that's the common practice; is</b></p>

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<p>336</p> <p>1 <b>that correct?</b></p> <p>2 A. Yes. Let me go back and mention</p> <p>3 something. If you notice on all of the</p> <p>4 other ones -- you might have them</p> <p>5 somewhere else -- Carol Hicks approved</p> <p>6 everybody's, even the principals,</p> <p>7 Dr. Owens, professional development.</p> <p>8 Mine were the only ones not approved by</p> <p>9 Mr. Barker, that were declined by</p> <p>10 Mr. Barker.</p> <p>11 <b>Q. How do you know that?</b></p> <p>12 A. His signature was on them.</p> <p>13 <b>Q. How do you know he didn't disapprove</b></p> <p>14 <b>others?</b></p> <p>15 A. There were -- I received at Daisy</p> <p>16 Lawrence a stack of professional</p> <p>17 development from persons at my school,</p> <p>18 all who had been approved by Carolyn</p> <p>19 Hicks and approved by Dr. Owens. And</p> <p>20 they were always mine that were declined</p> <p>21 by Mr. Barker. And I think I provided</p> <p>22 that.</p> <p>23 <b>Q. Let me show you what I'll mark as</b></p>	<p>338</p> <p>1 like all of them.</p> <p>2 <b>Q. Okay. And that's Defense Exhibit 40.</b></p> <p>3 <b>And let me show you what I'll</b></p> <p>4 <b>mark as Defense Exhibit 41. And this is</b></p> <p>5 <b>a stack of your resumes. And I think</b></p> <p>6 <b>that the majority of them have a date of</b></p> <p>7 <b>when they were updated, but the first</b></p> <p>8 <b>few don't.</b></p> <p>9 <b>Would you look through that</b></p> <p>10 <b>stack for me and just confirm that that</b></p> <p>11 <b>is a stack of your resumes? And then</b></p> <p>12 <b>after you have an opportunity to do</b></p> <p>13 <b>that, I wanted you to see if you could</b></p> <p>14 <b>tell us the date of the first few copies</b></p> <p>15 <b>of that resume.</b></p> <p>16 <b>(Whereupon Defendants'</b></p> <p>17 <b>Exhibit No. 41 was marked</b></p> <p>18 <b>for identification and</b></p> <p>19 <b>attached hereto.)</b></p> <p>20 <b>(Witness reviewed</b></p> <p>21 <b>documents.)</b></p> <p>22 A. If I don't have the date at the bottom</p> <p>23 of it, I don't know what date.</p>
<p>337</p> <p>1 <b>Defense Exhibit 40 and make a composite</b></p> <p>2 <b>exhibit. These are your evaluations</b></p> <p>3 <b>that I found on you. And the first one,</b></p> <p>4 <b>I've marked it, was blank. I'm not sure</b></p> <p>5 <b>why there was a blank one. I don't see</b></p> <p>6 <b>any marking on it anywhere. But y'all</b></p> <p>7 <b>turned that over to us, so I'm going to</b></p> <p>8 <b>keep it in there. And then I tried to</b></p> <p>9 <b>keep it in chronological order.</b></p> <p>10 <b>I just wanted to get these</b></p> <p>11 <b>marked and then just ask you if that</b></p> <p>12 <b>looks accurate or there's anything you</b></p> <p>13 <b>think that's missing, based on your</b></p> <p>14 <b>review today. I'm sure you don't have</b></p> <p>15 <b>them memorized.</b></p> <p>16 <b>(Whereupon Defendants'</b></p> <p>17 <b>Exhibit No. 40 was marked</b></p> <p>18 <b>for identification and</b></p> <p>19 <b>attached hereto.)</b></p> <p>20 <b>(Witness reviewed</b></p> <p>21 <b>documents.)</b></p> <p>22 A. I'm just looking at the school year.</p> <p>23 This looks like all of them. It looks</p>	<p>339</p> <p>1 <b>Q. That's fine. Just if you know.</b></p> <p>2 A. Okay. I don't know if I don't have the</p> <p>3 date on the bottom of it.</p> <p>4 <b>Q. Do you think these first few in this</b></p> <p>5 <b>stack of Defense Exhibit 41 would have</b></p> <p>6 <b>preceded the others? Because the others</b></p> <p>7 <b>looked a little longer, so I assume --</b></p> <p>8 A. Yeah. Yeah, the lengthier ones are the</p> <p>9 more current.</p> <p>10 <b>Q. Okay.</b></p> <p>11 A. But the dates on them up there are</p> <p>12 October, July, February, yes. February,</p> <p>13 May, yeah.</p> <p>14 <b>Q. Okay. Let me show you what I'll mark as</b></p> <p>15 <b>Defense Exhibit 42, and ask you if these</b></p> <p>16 <b>are an accurate depiction of your</b></p> <p>17 <b>certifications, and if anything is</b></p> <p>18 <b>missing, what?</b></p> <p>19 <b>(Whereupon Defendants'</b></p> <p>20 <b>Exhibit No. 42 was marked</b></p> <p>21 <b>for identification and</b></p> <p>22 <b>attached hereto.)</b></p> <p>23 A. This is an older copy. I just, as of</p>

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<p>340</p> <p>1 January 1st, reapplied for an upgrade 2 of my certifications. So these are 3 accurate as to date. As soon as I 4 receive the new one, it will be updated. 5 <b>Q. Okay. But as of the last day that you</b> 6 <b>worked for the Board, these would be</b> 7 <b>accurate?</b> 8 A. Yes. 9 <b>Q. Okay. Let me just mark these real</b> 10 <b>quick.</b> 11 All right. Let me show you 12 what I'll mark as Defense Exhibit 43, 13 which appears to be correspondence to 14 Dr. Carlinda Purcell dated February 4th, 15 2005, from you, and ask if that's 16 correct? 17 (Whereupon Defendants' 18 Exhibit No. 43 was marked 19 for identification and 20 attached hereto.) 21 (Witness reviewed document.) 22 A. Yes. 23 <b>Q. And then Defense Exhibit 44,</b></p>	<p>342</p> <p>1 attached hereto.) 2 (Witness reviewed document.) 3 A. Yes. 4 <b>Q. Look at those for me real quick. Do you</b> 5 <b>have knowledge of any other letters that</b> 6 <b>you've mailed to her that are like that,</b> 7 <b>or e-mailed? I think we've looked at</b> 8 <b>two e-mails to her today, and then we</b> 9 <b>have those correspondence.</b> 10 (Witness reviewed document.) 11 A. There is one missing, but it doesn't 12 have anything to do with any of this. 13 <b>Q. It doesn't?</b> 14 A. Uh-huh (affirmative response). 15 <b>Q. Okay. When would that have been sent to</b> 16 <b>her, and what did it have to do with?</b> 17 A. I think you have it. 18 <b>Q. I actually didn't get a copy of any of</b> 19 <b>these letters from you guys, so I didn't</b> 20 <b>know if that meant you had not</b> 21 <b>maintained copies of them or might not</b> 22 <b>have sent them to me because I sent them</b> 23 <b>to you.</b></p>
<p>341</p> <p>1 correspondence dated February 16th, 2 2005, to Dr. Purcell? 3 (Whereupon Defendants' 4 Exhibit No. 44 was marked 5 for identification and 6 attached hereto.) 7 A. Yes. 8 <b>Q. Defense Exhibit 45 is correspondence</b> 9 <b>dated April 16th, 2005, to Dr. Purcell;</b> 10 <b>is that correct?</b> 11 (Whereupon Defendants' 12 Exhibit No. 45 was marked 13 for identification and 14 attached hereto.) 15 (Witness reviewed document.) 16 A. Yes. 17 <b>Q. Defense Exhibit 46, correspondence dated</b> 18 <b>April 10th, 2005, from you to</b> 19 <b>Dr. Purcell?</b> 20 A. Yes. 21 (Whereupon Defendants' 22 Exhibit No. 46 was marked 23 for identification and</p>	<p>343</p> <p>1 A. The only other one was making mention 2 of -- I had to solicit a person to 3 mentor me towards the end of my 4 doctoral program. And I had -- I sent 5 a letter to her right after she was 6 appointed as superintendent. 7 <b>Q. So when Dr. Purcell was appointed</b> 8 <b>superintendent, before she got here, you</b> 9 <b>sent her correspondence asking her to be</b> 10 <b>your mentor; is that correct?</b> 11 A. Yes. 12 <b>Q. Have you ever been told by anybody that</b> 13 <b>Dr. Purcell was the person who did not</b> 14 <b>want to hire you in a position?</b> 15 A. No. 16 <b>Q. Do you have any information one way or</b> 17 <b>the other as to whether Dr. Purcell is</b> 18 <b>of the opinion that you should not be</b> 19 <b>employed with the Montgomery County</b> 20 <b>Board of Education?</b> 21 A. No. 22 <b>Q. Do you know anything about the school</b> 23 <b>board members and any of their opinions</b></p>

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<p>344</p> <p>1 as to whether or not you should be 2 employed? 3 A. No. 4 <b>Q. Have you ever had any conversations with 5 any of the school board members about 6 your employment or your nonrenewal with 7 the Board?</b> 8 A. No. 9 <b>Q. Have you ever been told, or has your 10 mother or anyone else been told, that 11 told it to you, anything that the school 12 board has said about your employment for 13 any of these jobs that would relate to 14 your race, your age -- excuse me, your 15 race or your sex?</b> 16 A. No. 17 <b>Q. Have you ever been told by anybody that 18 the Board has said anything about your 19 lawsuit or your mom's charges against 20 the Board?</b> 21 A. No. 22 <b>Q. When did your mom make charges against 23 the Board?</b></p>	<p>346</p> <p>1 A. There was one. 2 <b>Q. And what was that?</b> 3 A. It was an administrative assistant's 4 position, I think at Houston Hill. And 5 some kind of way it was twisted that the 6 job wasn't available or you were not 7 supposed to interview. It was some -- 8 he and Mr. Barker had some dialogue 9 about it. Later to find out a principal 10 said to me, Well, I wanted to hire him. 11 I didn't know you from him. I just saw 12 the last name. I wanted to hire him. 13 When I found out who he was, I wanted to 14 hire him, but, you know, they told me I 15 had to hire somebody else. 16 <b>Q. Was he ever given any information that 17 that was because of his mother?</b> 18 A. If it's been said to him, he hasn't 19 relayed it to us. 20 <b>Q. Okay. Has he had a successful career 21 with the Board?</b> 22 A. It could have been better. 23 <b>Q. In what way?</b></p>
<p>345</p> <p>1 A. I would -- I really don't know. I 2 was -- I was, I think, maybe in 3 elementary or junior high school. It's 4 been awhile. 5 <b>Q. It's been a long time ago, hasn't it?</b> 6 In fact, your mom is still employed with 7 the Board, isn't she? 8 A. Yes. 9 <b>Q. And your brother, Marvin, is employed 10 with the Board?</b> 11 A. Yes. 12 <b>Q. And what is his job?</b> 13 A. He's Director of Guidance at Jeff Davis 14 High School. 15 <b>Q. Okay. Is he of the opinion that he has 16 suffered retaliation as a result of his 17 relationship with your mother?</b> 18 A. Yes. 19 <b>Q. He does? Are there jobs that he has not 20 received, that he believes he deserved, 21 because of his relationship with your 22 mother -- I say relationship -- because 23 of his mother?</b></p>	<p>347</p> <p>1 A. It could have been better. 2 <b>Q. And what do you mean by that?</b> 3 A. There have been jobs that he has applied 4 for that he possibly could have 5 attained. 6 <b>Q. Do you have any idea about the 7 qualifications of the people who did get 8 those jobs?</b> 9 A. No, I don't. 10 <b>Q. Has he gained tenure with the Board?</b> 11 A. Yes, he has. 12 MRS. CARTER: All right. 13 Let's take a short 14 break. 15 (Whereupon a brief recess 16 was taken.) 17 BY MRS. CARTER: 18 <b>Q. In looking at your amended Complaint or 19 your Complaint, because some of my 20 questions will come from your Complaint. 21 It appears that the initial claim that 22 you make -- well, it doesn't appear in 23 your lawsuit that you allege that you</b></p>

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1 were nonrenewed in 2002 based on  
 2 discrimination or retaliation. And  
 3 you've testified today that that is part  
 4 of your lawsuit. So I'll just ask if  
 5 you've already told us everything about  
 6 any evidence or information you have  
 7 that you were nonrenewed at the end of  
 8 your Southlawn tenure as a result of  
 9 discrimination or retaliation?  
 10 A. Ask that again.  
 11 Q. Is there any other information or  
 12 evidence that you haven't already told  
 13 us that you were nonrenewed after teaching  
 14 at Southlawn because of discrimination  
 15 or retaliation?  
 16 A. No, there's no new information.  
 17 Q. Okay. Because in looking at your  
 18 Complaint, it says that in the Summer of  
 19 2003, that you sought positions and were  
 20 eventually hired as a reading coach, and  
 21 then it goes into the details that we've  
 22 already kind of hashed out regarding  
 23 that position not really being a reading

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1 coach position. So that kind of seems  
 2 to be the first job or complaint that  
 3 you have in regards to your lawsuit.  
 4 Let me ask you this: Aren't  
 5 there nine-month reading coach positions  
 6 that are paid the same as a teacher?  
 7 A. I haven't seen any announcements that  
 8 say nine-month reading coach.  
 9 Q. Isn't it true that the reading coach  
 10 position at Daisy Lawrence was funded  
 11 through the school budget and was a  
 12 nine-month position?  
 13 A. I don't know where it was funded from.  
 14 Q. So you don't know one way or the other?  
 15 A. Not about that one in particular. I  
 16 mean, why would that one be any  
 17 different? I mean, that's the reason  
 18 I'm saying I don't know. I don't know.  
 19 Q. Well, let me say this to you: In  
 20 fairness to you, I represent that there  
 21 are two types of reading coach  
 22 positions. They're based on where  
 23 they're funded or how they're funded.

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1 A. Okay.  
 2 Q. And there are nine-month reading coach  
 3 positions. And if I am wrong about  
 4 that, I apologize. But I believe that  
 5 to be the case. Assuming I'm right,  
 6 which might be a leap of faith, but  
 7 assuming I'm right, do you know whether  
 8 or not the reading coach position that  
 9 you thought you were supposed to be  
 10 getting at Daisy Lawrence was a  
 11 nine-month position or a ten-month  
 12 position?  
 13 A. Dr. Owens told me it was ten months.  
 14 Q. Okay.  
 15 A. Because we even discussed my work terms  
 16 to work out the additional month.  
 17 Q. Have you communicated with Keith  
 18 Stewart, Saint Thomas, or Lee Ballard  
 19 about testifying on your behalf  
 20 regarding the communications that were  
 21 made with them?  
 22 A. No.  
 23 Q. Okay. Do you intend to seek them out as

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1 witnesses in your case? I mean, and  
 2 your lawyer can --  
 3 MR. PATTY: Object to the  
 4 form.  
 5 BY MRS. CARTER:  
 6 Q. And I just mean is that something that  
 7 you've contemplated, because I wanted to  
 8 ask you what you thought they would  
 9 offer, any conversations you've had with  
 10 them?  
 11 THE WITNESS: That would be  
 12 your call.  
 13 Q. That's not something you've decided yet  
 14 then. That's fair enough.  
 15 All right. The next thing in  
 16 your Complaint is that you applied for a  
 17 position at McKee Junior High School,  
 18 and the principal asked for you to be  
 19 hired in the position, and that the  
 20 superintendent and management of the  
 21 Board at that time refused to hire you.  
 22 Is that where Bobby Abrams recommended  
 23 you for the Vice-Principal position that



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1 you've already testified about?  
 2 A. Yes.  
 3 Q. Okay. Is there any information that you  
 4 have regarding that position that you  
 5 have not already told us about that  
 6 would indicate you were not hired  
 7 because of your sex, your race, or  
 8 because of retaliation?

9 A. No.  
 10 Q. And when we're referring to retaliation  
 11 at this point, I assume that it's  
 12 retaliation for your mother's claims,  
 13 because at that point you had not filed  
 14 a charge?

15 A. Exactly.

16 Q. What information do you have about your  
 17 qualifications as it relates to the  
 18 qualifications of the individual that  
 19 was placed in that job?

20 A. For . . .

21 Q. The administrative assistant position at  
 22 McKee in the Fall of 2004?

23 A. Mr. Abrams initially selected me, so

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1 that would identify that he felt my  
 2 qualifications outranked or outweighed  
 3 this other person.

4 Q. Okay.

5 A. And --

6 Q. Do you personally know what her -- it  
 7 was a female, correct?

8 A. Yes.

9 Q. Do you personally know what her  
 10 qualifications were?

11 A. No, I don't.

12 Q. Do you know whether she'd ever been an  
 13 administrative assistant in a school  
 14 system before?

15 A. I don't know.

16 Q. Okay. You further allege that after  
 17 having filed your charge, that you were  
 18 not granted professional development  
 19 even though your principal approved the  
 20 leave, correct?

21 A. Yes.

22 Q. And it's your belief that if Mike Looney  
 23 was asked, he would say that he agreed

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1 that you should go on this professional  
 2 development?

3 A. Yes.

4 Q. Are you speaking here in particular  
 5 about the October 2004 request -- or I  
 6 guess both, because you had another one  
 7 before this was filed?

8 A. Yes.

9 Q. And then February 2005?

10 A. Yes.

11 Q. In Paragraph 9, it says that in one  
 12 instance the Montgomery County Board of  
 13 Education hired an administrative  
 14 assistant over you, who was not  
 15 currently certified in administration as  
 16 Lowe was. Are you talking about Denita  
 17 Easterling?

18 A. Yes.

19 Q. And you've told us all about that?

20 A. Yes.

21 Q. It says here that the problem was that  
 22 the superintendent and management of the  
 23 Board would not allow you to take jobs

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1 that you were recommended for. Were you  
 2 recommended for that position that  
 3 Ms. Easterling got at T.S. Morris?

4 A. No. It was never advertised. I didn't  
 5 know anything about it until after she  
 6 was in it.

7 Q. Okay. That's what I thought.

8 Okay. Are you referring to  
 9 anything else, any other job there that  
 10 year when you say that they would not  
 11 let you take jobs that principals were  
 12 recommending you for, other than the job  
 13 with Bobby Abrams?

14 A. There might have been others, but I  
 15 don't know about them. There might have  
 16 been other requests for me that I don't  
 17 know about.

18 Q. Okay. At some point in October of this  
 19 past year, your Complaint in this case  
 20 was amended to allege that you have now  
 21 suffered retaliation for your EEOC  
 22 charge and lawsuit; is that correct?

23 A. Yes.

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1 Q. And it states that you received a  
 2 nonrenewal notice of your employment in  
 3 May 2005, and that you were told by your  
 4 supervisor that you'd made a mistake in  
 5 filing your lawsuit; is that correct?  
 6 A. Yes.  
 7 Q. And you've already told us about that?  
 8 A. Yes.  
 9 Q. I don't want you to rehash that, but  
 10 you're talking about there when  
 11 Dr. Owens told you what Jimmy Barker  
 12 allegedly said?  
 13 A. Yes.  
 14 Q. And you also refer to in there where  
 15 Superintendent Purcell allegedly told a  
 16 group of people that everybody would  
 17 receive positions. And it's your  
 18 contention that everybody did receive  
 19 positions from Daisy Lawrence except for  
 20 you?  
 21 A. The Board minutes support that, yes.  
 22 Q. You also allege that Superintendent  
 23 Purcell told you that she would follow

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1 the recommendations of principals, but  
 2 that no principal had asked to hire you.  
 3 And I asked this question, and I could  
 4 have misunderstood you: But I thought I  
 5 understood you to say that you actually  
 6 didn't have communications with  
 7 Dr. Purcell after you were nonrenewed in  
 8 2005. Did I misunderstand that?  
 9 A. We -- we did talk.  
 10 Q. And I might have misunderstood.  
 11 A. We did communicate.  
 12 Q. Okay. I guess it was something else  
 13 that you didn't talk to her afterwards.  
 14 Okay. I apologize.  
 15 Tell me about the  
 16 conversations you had with Dr. Purcell  
 17 after you were nonrenewed in 2005.  
 18 A. It was a brief conversation, but  
 19 Dr. Purcell told me that she did not  
 20 have a practice of dipping in other  
 21 departments. She would allow those  
 22 department heads to manage their  
 23 departments. And that was the gist of

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1 it. And she didn't see where it was  
 2 anything she could do to help me.  
 3 Q. Oh, that's when she said, I don't think  
 4 there's anything I can do to help you?  
 5 A. Yes.  
 6 Q. Yeah, you did tell me that. I  
 7 apologize.  
 8 Anything else said in that  
 9 conversation that you can remember?  
 10 A. That's all.  
 11 Q. Okay. Your Complaint goes on to say  
 12 that during the Summer of 2005, you  
 13 repeatedly applied for positions  
 14 throughout the system, and that you were  
 15 interviewed by four principals who each  
 16 indicated in the interview that they  
 17 wished to hire you, and that the  
 18 Defendants blocked that process. And I  
 19 just want to go through what each four  
 20 of those jobs are, if you would, please.  
 21 A. The first one was a Special Ed teaching  
 22 position at Lee High School. And the  
 23 interview was real quick. Mr. Sikes

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1 (phonetic) asked me was I available to  
 2 teach, could I teach Special Education.  
 3 And he told me that a friend recommended  
 4 me to him, and he was waiting -- I've  
 5 been waiting for two weeks for you to  
 6 call me, and do you want science or  
 7 English? And I told him, I said, Well,  
 8 let me take the English since I've  
 9 taught science at secondary level. And  
 10 he told me to go and see Mr. Barker.  
 11 He then called me that  
 12 afternoon, early evening, and he assured  
 13 me, Don't you do anything until you see  
 14 Mr. Barker. I still want you over here.  
 15 I need you to go and see Mr. Barker.  
 16 Don't do anything, but see Mr. Barker.  
 17 Q. Okay. Did you not tell me earlier that  
 18 you're not certified to teach Special  
 19 Education?  
 20 A. I am eligible for emergency  
 21 certification. I can't say I'm not  
 22 certified, because I do qualify for  
 23 certification. We have just never

<p>360</p> <p>1 applied for certification.</p> <p>2 <b>Q. Okay. And I understand that. My</b></p> <p>3 <b>question is: At that time, were you</b></p> <p>4 <b>presently certified to teach Special</b></p> <p>5 <b>Education?</b></p> <p>6 A. No. I did not hold an endorsement in</p> <p>7 Special Education.</p> <p>8 <b>Q. Okay. Did Mr. Sikes -- that's David</b></p> <p>9 <b>Sikes, right?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Did Mr. Sikes ever tell you why he could</b></p> <p>12 <b>not give you the job?</b></p> <p>13 A. No. He avoided me. Because he was</p> <p>14 fully aware that we would have to apply</p> <p>15 for an emergency certificate. Because I</p> <p>16 had all of the coursework and everything</p> <p>17 from an accredited institution that we</p> <p>18 were going to go through. He clearly</p> <p>19 knew everything and was satisfied with</p> <p>20 it.</p> <p>21 <b>Q. All right. What was the second job?</b></p> <p>22 A. The second one was --</p> <p>23 <b>Q. And it doesn't have to be in</b></p>	<p>362</p> <p>1 <b>recommend you?</b></p> <p>2 A. No. She suggested that we would work</p> <p>3 closely together next year, and I need</p> <p>4 to be able to get in touch with you</p> <p>5 after the Board meets, and we need to</p> <p>6 get in touch with each other.</p> <p>7 <b>Q. And she still had an interview to do?</b></p> <p>8 A. She had a phone interview that she said</p> <p>9 she was going to do. But she had</p> <p>10 already made up her mind on who she was</p> <p>11 recommending.</p> <p>12 <b>Q. Do you know how that phone interview</b></p> <p>13 <b>went or whether she changed her mind</b></p> <p>14 <b>after she had the phone interview?</b></p> <p>15 A. She interviewed my brother.</p> <p>16 <b>Q. On the phone?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Okay. And did you have any</b></p> <p>19 <b>communications with her about whether</b></p> <p>20 <b>she recommended you for the job?</b></p> <p>21 A. She avoided me. After the announcement</p> <p>22 came out, she avoided me.</p> <p>23 <b>Q. What was the third job?</b></p>
<p>361</p> <p>1 <b>chronological order. I just want to get</b></p> <p>2 <b>the four.</b></p> <p>3 A. -- with Mr. Quesha Starks at BTW Magnet.</p> <p>4 And after the interview with me -- we</p> <p>5 had a very lengthy interview -- she</p> <p>6 called me late one evening to tell me</p> <p>7 that she was getting ready to make her</p> <p>8 recommendation, and I need to get your</p> <p>9 phone numbers, because -- and I need to</p> <p>10 give you my phone numbers, because we</p> <p>11 will be working closely together next</p> <p>12 year. And I need to be able to get in</p> <p>13 touch with you after, you know, the</p> <p>14 Board meeting. But I'm getting ready to</p> <p>15 make my recommendation, and I just have</p> <p>16 one other interview I need to conduct</p> <p>17 over the phone. But I've already made</p> <p>18 my decision, and I'm getting ready to</p> <p>19 call Ms. Hicks with my recommendation.</p> <p>20 <b>Q. Did she tell you that she was going to</b></p> <p>21 <b>recommend you?</b></p> <p>22 A. Why would she call me to tell me that --</p> <p>23 <b>Q. Did she tell you that she was going to</b></p>	<p>363</p> <p>1 A. Mr. Abrams had -- at McKee Junior High,</p> <p>2 I think it was a Special Ed, a B.I.P.</p> <p>3 unit, Behavior Intervention Program</p> <p>4 unit. And he asked me -- we</p> <p>5 interviewed. And after we had</p> <p>6 interviewed, he told me -- it was like</p> <p>7 this, I'm going to call you the next</p> <p>8 day. When he called me, he was kind of</p> <p>9 upset, because he said, Melvin, why</p> <p>10 didn't you tell me you changed your</p> <p>11 mind? I said, What are you talking</p> <p>12 about? I didn't change my mind.</p> <p>13 Ms. Hicks said that she spoke with you</p> <p>14 and you just didn't want it, you changed</p> <p>15 your mind, and I had to pick somebody</p> <p>16 else.</p> <p>17 And, you know, we went back to</p> <p>18 the initial incident. And I said to</p> <p>19 myself, Bobby -- Mr. Abrams, the same</p> <p>20 thing again, you know, I didn't tell you</p> <p>21 that, just like when you told me before</p> <p>22 you recommended me. And Mr. Barker told</p> <p>23 me that he had a recommendation. And</p>

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<p style="text-align: right;">364</p> <p>1 then nothing happened.</p> <p>2 <b>Q. Did you have conversations with Jimmy</b></p> <p>3 <b>Barker about the fact that you did not</b></p> <p>4 <b>have a Special Education certification</b></p> <p>5 <b>in conjunction with Bobby Abrams wanting</b></p> <p>6 <b>to hire you for that position?</b></p> <p>7 A. We had that conversation earlier. I</p> <p>8 don't remember when we had it. Because</p> <p>9 Ms. Hicks interjected to tell me that I</p> <p>10 didn't qualify for -- and I contradicted</p> <p>11 her with the State Department. And I</p> <p>12 clearly do meet the requirements. And I</p> <p>13 do have the coursework, shy of three</p> <p>14 courses, to be certified in Special</p> <p>15 Education, shy of an internship. I even</p> <p>16 gave Mr. Barker the same information</p> <p>17 that I gave Mr. Sikes, with the courses</p> <p>18 on an accredited section of approved</p> <p>19 schools curriculum, the courses that</p> <p>20 came from all of my transcripts.</p> <p>21 Mr. Barker said, Well, Melvin, these</p> <p>22 courses don't read a prefix with Special</p> <p>23 Education. But they don't have to.</p>	<p style="text-align: right;">366</p> <p>1 eligible for the emergency certificate.</p> <p>2 It never came up.</p> <p>3 <b>Q. Did Mr. Barker ever say fine, with you</b></p> <p>4 <b>being a Special Ed teacher for</b></p> <p>5 <b>Mr. Abrams, but you've got to be</b></p> <p>6 <b>certified in the position?</b></p> <p>7 A. We didn't talk, I don't think, after the</p> <p>8 situation with Mr. Abrams. After Carol</p> <p>9 Hicks told Mr. Abrams that I changed my</p> <p>10 mind, I don't think I talked to</p> <p>11 Mr. Barker after that.</p> <p>12 <b>Q. So your conversations with Mr. Barker</b></p> <p>13 <b>about your Special Education</b></p> <p>14 <b>certification, based on your testimony,</b></p> <p>15 <b>would have been related to Sikes,</b></p> <p>16 <b>Principal Sikes?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Okay. What was the fourth job?</b></p> <p>19 A. Dr. Owens, at Patterson, interviewed me</p> <p>20 for the reading coach position, grades</p> <p>21 four through six. And after I</p> <p>22 interviewed with -- I interviewed with</p> <p>23 Connie Mizell, Sherry Dice (phonetic),</p>
<p style="text-align: right;">365</p> <p>1 Certain courses will read prefixes, the</p> <p>2 others will not.</p> <p>3 <b>Q. Okay. Let me ask you this.</b></p> <p>4 A. Okay.</p> <p>5 <b>Q. Have you even completed, sitting here</b></p> <p>6 <b>today, the classes that you have to take</b></p> <p>7 <b>to be certified in Special Education?</b></p> <p>8 A. Yes. The additional three, no.</p> <p>9 <b>Q. Okay. So you would still today -- and</b></p> <p>10 <b>I'm not talking about emergency</b></p> <p>11 <b>circumstances --</b></p> <p>12 A. Uh-huh (affirmative response).</p> <p>13 <b>Q. -- but today you would have to complete</b></p> <p>14 <b>additional coursework to get your</b></p> <p>15 <b>certification in Special Education?</b></p> <p>16 A. If somebody offered me a job.</p> <p>17 <b>Q. Did you ever tell Jimmy Barker that you</b></p> <p>18 <b>were certified in Special Education, you</b></p> <p>19 <b>just needed to get --</b></p> <p>20 A. I already told him -- oh, I'm sorry.</p> <p>21 <b>Q. -- that you just needed to get him the</b></p> <p>22 <b>paperwork?</b></p> <p>23 A. No. I always told Mr. Barker I'm</p>	<p style="text-align: right;">367</p> <p>1 and Sharon Sewell initially. And then</p> <p>2 Dr. Owens called me and said, you know,</p> <p>3 I've got your name on the list, you've</p> <p>4 been cleared to interview for reading</p> <p>5 coach positions. He called me in about</p> <p>6 maybe two days. I thought it would have</p> <p>7 been the first, but he called me two</p> <p>8 days later to tell me that, I'm going to</p> <p>9 go ahead and send in I want you. And we</p> <p>10 were sitting back, you know,</p> <p>11 anticipatory that everything would</p> <p>12 unveil. And the problem was, Dr. Owens</p> <p>13 kept saying he needed to talk to</p> <p>14 Mr. Barker, he couldn't get in touch</p> <p>15 with Mr. Barker.</p> <p>16 Finally, because the school</p> <p>17 year was constantly moving ahead, Dr.</p> <p>18 Owens talked to Carla Winborne, who</p> <p>19 said -- before he talked to Carla</p> <p>20 Winborne, Ms. Mizell positioned him with</p> <p>21 two women to hire. And after he didn't</p> <p>22 select either one of those women and</p> <p>23 kept submitting my name, it was then the</p>

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1 statement, Well, you had a poor  
 2 interview. I've been doing -- I'm  
 3 sorry.  
 4 **Q. Go ahead. I apologize. I was just**  
 5 **breathing.**  
 6 A. You had a poor interview. I had been  
 7 doing this job for the past two years.  
 8 I hardly believe I had a poor interview.  
 9 And then I wrote a dissertation on  
 10 reading instruction. I don't think I  
 11 had a poor interview with something as  
 12 competent as I would have been with it.  
 13 **Q. Were you ever told by Dr. Owens that**  
 14 **Mr. Barker had explained to him that you**  
 15 **had to go through the interview process**  
 16 **with curriculum instruction, who rates**  
 17 **the interviewees and then sends them out**  
 18 **to the schools?**  
 19 A. We did that.  
 20 **Q. And you went through that process?**  
 21 A. Yes.  
 22 **Q. After being told that you had to go**  
 23 **through it? He sent you back through**

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1 **that process, correct?**  
 2 A. No. I went through the process first,  
 3 and then I was sent to Dr. Owens.  
 4 **Q. Okay. All right. Do you know whether**  
 5 **the people who interviewed you at**  
 6 **curriculum instruction, whether they**  
 7 **rated you high or recommended you to the**  
 8 **principals for hire?**  
 9 A. Mr. Barker told me that Connie Mizell  
 10 stated I had a poor interview which --  
 11 **Q. Was she one of the people that**  
 12 **interviewed you?**  
 13 A. Yes.  
 14 **Q. Do you know whether or not Dr. Purcell**  
 15 **had determined that principals were not**  
 16 **going to hire reading coaches unless**  
 17 **they were strongly recommended out of**  
 18 **the curriculum and instruction interview**  
 19 **process?**  
 20 A. I would have no idea what Dr. Purcell  
 21 said to the administrative staff.  
 22 **Q. Do you know whether anybody who**  
 23 **interviewed you with curriculum and**

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1 **instruction based their rating process**  
 2 **on your race or sex?**  
 3 A. I have no idea.  
 4 **Q. Do you know whether anybody who was**  
 5 **rating you in curriculum and instruction**  
 6 **knew that your mother had ever filed a**  
 7 **claim?**  
 8 A. I have no idea of knowing.  
 9 **Q. Do you know whether the people who rated**  
 10 **you or interviewed you with curriculum**  
 11 **and instruction knew that you had filed**  
 12 **a lawsuit?**  
 13 A. One individual knew.  
 14 **Q. Okay. And who was that?**  
 15 A. Sharon Sewell.  
 16 **Q. She was one of the people that**  
 17 **interviewed you?**  
 18 A. Yes.  
 19 **Q. And how many people were interviewing**  
 20 **you?**  
 21 A. Three.  
 22 **Q. She was one of three?**  
 23 A. Yes.

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1 **Q. How do you know Ms. Sewell knew?**  
 2 A. She communicated to me that she knew,  
 3 because she had discussed her legal  
 4 situation with me.  
 5 **Q. She communicated to you that she knew**  
 6 **about your lawsuit. Was she negative**  
 7 **about it?**  
 8 A. No.  
 9 **Q. Did she have her own lawsuit?**  
 10 A. I don't know if she had a lawsuit. I  
 11 know she was in some -- it was some  
 12 legal combatary (sic).  
 13 **Q. Do you know whether or not she**  
 14 **communicated to the two other**  
 15 **interviewers that you had a lawsuit?**  
 16 A. I don't know.  
 17 **Q. So she never made you feel like or**  
 18 **indicated to you that she looked**  
 19 **negatively on the fact that you had a**  
 20 **lawsuit?**  
 21 A. She never discussed it. We never had a  
 22 discussion.  
 23 **Q. Did Bobby Abrams know you had a lawsuit?**

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1 A. I didn't tell him.  
 2 **Q. Did you discuss it with him?**  
 3 A. No.  
 4 **Q. Did he ever indicate to you that he was**  
 5 **told he couldn't hire you because of**  
 6 **your lawsuit?**  
 7 A. No.  
 8 **Q. There was, I guess, a female, you said,**  
 9 **got that job -- oh, no, no, that was the**  
 10 **year before.**  
 11 A. Yes.  
 12 **Q. Do you know who got the Special**  
 13 **Education job?**  
 14 A. No, I don't.  
 15 **Q. Okay. What was the job at BTW Magnet**  
 16 **with Ms. --**  
 17 A. Administrative assistant.  
 18 **Q. Administrative assistant. Do you know**  
 19 **who got that job?**  
 20 A. No, I don't.  
 21 **Q. So you don't know their race or sex?**  
 22 A. No.  
 23 **Q. What about David Sikes. Who got that**

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1 **Special Ed job?**  
 2 A. I don't know.  
 3 **Q. Did Mr. Sikes talk to you about your**  
 4 **lawsuit?**  
 5 A. He didn't know -- if he knew about it,  
 6 he didn't mention it to me.  
 7 **Q. Okay. Did he ever tell you that's why**  
 8 **he couldn't hire you?**  
 9 A. He avoided me. He didn't have any other  
 10 discussions with me.  
 11 **Q. Are there any other jobs that you**  
 12 **would have -- that you could have been**  
 13 **hired for in the -- for the fall 2005,**  
 14 **for the school year that we're in now,**  
 15 **upon which you base your claim? Those**  
 16 **are the four jobs that you reference in**  
 17 **your lawsuit as it relates to the jobs**  
 18 **that you didn't get that summer?**  
 19 A. Yes.  
 20 **Q. There are other jobs?**  
 21 A. No, those are the -- those are the ones.  
 22 **Q. Those are the four, okay.**  
 23 **Have you told me about any**

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1 **conversations that you personally have**  
 2 **had with anybody that would reflect that**  
 3 **you're being nonrenewed or not getting**  
 4 **additional jobs with the Board had to do**  
 5 **with your lawsuit?**  
 6 A. No more than we've already discussed.  
 7 **Q. Okay. And I know we've talked about**  
 8 **Dr. Owens. And have you told me about**  
 9 **any conversation or anything that you**  
 10 **can remember, sitting here today, where**  
 11 **reference to your mother was made?**  
 12 A. None other than the ones we have  
 13 mentioned.  
 14 **Q. Okay. Have there been any conversations**  
 15 **that you have not told us about where a**  
 16 **person was placed in a job, instead of**  
 17 **you, that regarded your race or where**  
 18 **you were told we needed a white person**  
 19 **in that job or anything of that nature?**  
 20 A. None other than those we've already  
 21 discussed.  
 22 **Q. Okay. And refresh my memory. There was**  
 23 **one occasion that I remember where I**

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1 **think you've said in something written**  
 2 **that Mr. Barker or somebody said that a**  
 3 **white person had to be hired. Was there**  
 4 **more than one time that that happened?**  
 5 A. I don't recall being called by race.  
 6 **Q. Was it female?**  
 7 A. That a female had to be hired.  
 8 **Q. A female, okay. The incident in regards**  
 9 **to a female having to be hired, was that**  
 10 **where Bobby Abrams said he wanted you as**  
 11 **his administrative assistant, and Jimmy**  
 12 **Barker allegedly told Bobby that he had**  
 13 **to hire a female?**  
 14 A. Yes.  
 15 **Q. Were there any other occasions that you**  
 16 **know of where a woman got the job**  
 17 **instead of you, and you were told or**  
 18 **heard that that happened because the**  
 19 **person was a female?**  
 20 A. No.  
 21 **Q. Where have you worked since you were**  
 22 **nonrenewed in May of 2005?**  
 23 A. I've done some consulting, but no

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<p>376</p> <p>1 full-time work.</p> <p>2 <b>Q. Where have you consulted?</b></p> <p>3 A. For the Southern Women's Leadership</p> <p>4 Development Institute, SWLDI.</p> <p>5 <b>Q. Southern Women's --</b></p> <p>6 A. Women's Leadership Development</p> <p>7 Institute. And Exploratorium Academy.</p> <p>8 <b>Q. I apologize. Is that one name like and</b></p> <p>9 <b>Exploratorium Academy, or is that a</b></p> <p>10 <b>different entity?</b></p> <p>11 A. That's a different entity.</p> <p>12 <b>Q. Okay. What have you done for Southern</b></p> <p>13 <b>Women's Leadership Development</b></p> <p>14 <b>Institute?</b></p> <p>15 A. Program planning, development policy,</p> <p>16 development policy implementation.</p> <p>17 <b>Q. Where is that located? What is it?</b></p> <p>18 A. It's right across the street from the</p> <p>19 train building, close to the old Union</p> <p>20 Station.</p> <p>21 <b>Q. And who runs it?</b></p> <p>22 A. Doris Crenshaw (phonetic).</p> <p>23 <b>Q. And what type of program planning do you</b></p>	<p>378</p> <p>1 A. \$750.</p> <p>2 MS. DUGAS: 95? You said</p> <p>3 November of '95.</p> <p>4 THE WITNESS: What did I --</p> <p>5 MRS. CARTER: Well, do you</p> <p>6 have a problem with</p> <p>7 that?</p> <p>8 And you answered,</p> <p>9 so you're not paying</p> <p>10 attention.</p> <p>11 THE WITNESS: What did I</p> <p>12 say? Try 2005.</p> <p>13 MRS. CARTER: We knew what</p> <p>14 we were talking about.</p> <p>15 BY MRS. CARTER:</p> <p>16 <b>Q. In November of 2005, you were paid \$750</b></p> <p>17 <b>What about, is there any other moneys</b></p> <p>18 <b>you've been paid from them?</b></p> <p>19 A. No.</p> <p>20 <b>Q. Okay. What about -- did you say the</b></p> <p>21 <b>Exploratorium Academy?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. And where is that located?</b></p>
<p>377</p> <p>1 <b>do for them?</b></p> <p>2 A. It's a whole list of things. We just</p> <p>3 got finished with the fiftieth</p> <p>4 celebration of the bus boycott movement.</p> <p>5 We're looking -- right now, we're</p> <p>6 focusing on a ten-city tour, starting in</p> <p>7 Jefferson County. And then some grant</p> <p>8 writing.</p> <p>9 <b>Q. Are you compensated for your work with</b></p> <p>10 <b>them?</b></p> <p>11 A. At this point, no.</p> <p>12 <b>Q. Okay. And just to be clear, and I'm</b></p> <p>13 <b>asking you this for your damages</b></p> <p>14 <b>purposes, and I'm sure your lawyer will</b></p> <p>15 <b>explain that to you: Have you received</b></p> <p>16 <b>any money from this institution for your</b></p> <p>17 <b>time that you've given them or the work</b></p> <p>18 <b>you're doing for them?</b></p> <p>19 A. One small payment.</p> <p>20 <b>Q. And when was that, and how much was it?</b></p> <p>21 A. This is January? November.</p> <p>22 <b>Q. November of '95 you were paid how much</b></p> <p>23 <b>money?</b></p>	<p>379</p> <p>1 A. It's here in Montgomery down Wares Ferry</p> <p>2 Road.</p> <p>3 <b>Q. And what is that?</b></p> <p>4 A. It's a private high school.</p> <p>5 <b>Q. Oh, okay. And what are you doing for</b></p> <p>6 <b>them?</b></p> <p>7 A. Right now, I'm just doing some</p> <p>8 consulting, serving as their academic</p> <p>9 officer for curriculum and</p> <p>10 accreditation. I secured their</p> <p>11 accreditation. I'm realigning their</p> <p>12 curriculum. And some grant writing.</p> <p>13 <b>Q. And what are you paid for those</b></p> <p>14 <b>services?</b></p> <p>15 A. A very small amount.</p> <p>16 <b>Q. Okay. And what is that?</b></p> <p>17 A. \$400.</p> <p>18 <b>Q. \$400 how often?</b></p> <p>19 A. This is January. September was the</p> <p>20 last -- I got a check they paid me in</p> <p>21 August and September.</p> <p>22 <b>Q. 400 in August, and 400 in September.</b></p> <p>23 <b>What other jobs did you apply</b></p>

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<p>380</p> <p>1 for after being nonrenewed in May of</p> <p>2 2005?</p> <p>3 A. I haven't.</p> <p>4 Q. You didn't apply with other school</p> <p>5 systems?</p> <p>6 A. No.</p> <p>7 Q. And why not?</p> <p>8 A. For fear of negative feedback from</p> <p>9 Montgomery County.</p> <p>10 Q. You mean, Montgomery County saying</p> <p>11 negative things about you?</p> <p>12 A. Yes, or lack thereof.</p> <p>13 Q. What do you mean?</p> <p>14 A. Not being able to secure a favorable</p> <p>15 recommendation.</p> <p>16 Q. Did you try? I mean, did you go out and</p> <p>17 talk to any superintendents or any other</p> <p>18 systems at all?</p> <p>19 A. I applied to the state department. That</p> <p>20 was it.</p> <p>21 Q. Do you have any information that</p> <p>22 Montgomery County supplied negative</p> <p>23 recommendations on you to the state</p>	<p>382</p> <p>1 A. Computer science, CIS 106, I believe --</p> <p>2 or 146.</p> <p>3 Q. How did you know about that job?</p> <p>4 A. This person got in touch with me.</p> <p>5 Q. And how much were you paid to do that?</p> <p>6 A. This person just kind of paid me</p> <p>7 out-of-pocket for the rest of the</p> <p>8 semester. Per night.</p> <p>9 Q. And how long was that?</p> <p>10 A. Six class sessions.</p> <p>11 Q. And how much did he pay you?</p> <p>12 A. \$400.</p> <p>13 Q. Per session?</p> <p>14 A. Huh-uh (negative response).</p> <p>15 Q. Total?</p> <p>16 A. Total.</p> <p>17 Q. Any other way that you've earned money</p> <p>18 since you left the Board in May of 2005?</p> <p>19 A. No.</p> <p>20 Q. When did you receive your last paycheck</p> <p>21 from the Board?</p> <p>22 A. I want to say it was June. It might</p> <p>23 have been -- I don't know. I've</p>
<p>381</p> <p>1 department?</p> <p>2 A. I don't even know if the state</p> <p>3 department has contacted them.</p> <p>4 Q. All right. Any other way that you've</p> <p>5 earned money since you left there?</p> <p>6 A. No.</p> <p>7 Q. Do you have any plans to apply with</p> <p>8 other school districts?</p> <p>9 THE WITNESS: Do I have to</p> <p>10 answer that?</p> <p>11 MR. PATTY: Yeah.</p> <p>12 A. No.</p> <p>13 Q. Have you done any teaching since you</p> <p>14 left there?</p> <p>15 A. Teaching as in a K-12 setting?</p> <p>16 Q. In any setting, a college setting, a</p> <p>17 K-12 setting, in any setting?</p> <p>18 A. I did -- I closed a semester at</p> <p>19 Trenholm.</p> <p>20 Q. What does that mean?</p> <p>21 A. I finished -- the instructor was out</p> <p>22 ill, and I finished the semester.</p> <p>23 Q. Of what kind of class?</p>	<p>383</p> <p>1 forgotten now. I'd have to look back</p> <p>2 and see.</p> <p>3 Q. June or July?</p> <p>4 A. June, July. It was July.</p> <p>5 Q. Because the new contracts would have</p> <p>6 started in August?</p> <p>7 A. August.</p> <p>8 Q. Okay. So just so I'm clear: Have you</p> <p>9 told us every way that you've earned</p> <p>10 money since you left?</p> <p>11 A. Do you count unemployment? I mean, I</p> <p>12 guess that's earned money. I mean,</p> <p>13 that's just like a given. You can put</p> <p>14 unemployment.</p> <p>15 Q. Okay. So you do draw unemployment?</p> <p>16 A. Yes.</p> <p>17 Q. Do you still draw it now?</p> <p>18 A. Yes.</p> <p>19 Q. Has the unemployment office sent you out</p> <p>20 on interviews to apply with other</p> <p>21 schools or anything like that?</p> <p>22 A. They have asked me what have I done.</p> <p>23 Q. And what did you tell him?</p>

Pages 380 to 383

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1 A. I have placed applications. That's all  
2 I can do.  
3 **Q. Have you placed applications with other**  
4 **schools?**  
5 A. Not school systems. I have placed  
6 applications, like I said, with the  
7 state department and some of the local  
8 colleges.  
9 **Q. Have you been on any interviews with**  
10 **local colleges?**  
11 A. Yes.  
12 **Q. Who have you interviewed with?**  
13 A. Faulkner.  
14 **Q. And when did you interview with**  
15 **Faulkner?**  
16 A. It was either in October -- I think it  
17 was late September or early October.  
18 **Q. And for what type of job?**  
19 A. Adjunct teaching.  
20 **Q. And who did you interview with?**  
21 A. Dr. Claudia Nesbit (phonetic).  
22 **Q. And did you get the job?**  
23 A. Yes.

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1 **Q. And what did you teach?**  
2 A. I will be teaching reading in the  
3 content area. Reading in the content  
4 area.  
5 **Q. What does that mean?**  
6 A. It's a secondary reading instructional  
7 course.  
8 **Q. And you'll be teaching --**  
9 A. It's a methods course.  
10 **Q. And you'll be teaching college-age**  
11 **students?**  
12 A. Yes.  
13 **Q. And when do you start that job?**  
14 A. Next -- next week. The semester starts,  
15 I think, next week.  
16 **Q. Is that a full-time position or just one**  
17 **class?**  
18 A. Just one class. And I just thought --  
19 Northcentral University.  
20 **Q. Okay.**  
21 A. You want the name of the course or  
22 just ...  
23 **Q. That's fine. That your teaching?**

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1 A. I probably will get some students next  
2 week. I have taught it. I'll probably  
3 get some more students next week. I  
4 won't know until the -- you know, until  
5 next week turns around.  
6 **Q. Well, where is that school located?**  
7 A. That's in Prescott, Arizona. I teach on  
8 line.  
9 **Q. And how are you compensated for that?**  
10 A. Per student.  
11 **Q. And how much is that?**  
12 A. Two fifty per student.  
13 **Q. And what do you teach?**  
14 A. I teach in the doctoral programs to  
15 Ph. and Ed.D. programs in ed leadership.  
16 Specialization is Curriculum and  
17 Instructional Leadership, is the program  
18 that I teach in. That's not the class.  
19 **Q. How much are you going to be paid by**  
20 **Faulkner?**  
21 A. A very small amount. That's if the  
22 class makes.  
23 **Q. "If the class makes," what does that**

387

1 **mean?**  
2 A. If there are at least five to seven  
3 students.  
4 **Q. And what would --**  
5 A. And right now, I only have three that  
6 are postings on my live tech.  
7 **Q. And if they don't, then you're not going**  
8 **to have a job with them?**  
9 A. Yes, that's correct.  
10 **Q. What are you going to get paid if you do**  
11 **teach for them?**  
12 A. If I do teach from the month of January  
13 through May, I will be receiving less  
14 than \$1,200 at the end of May. A very  
15 small amount.  
16 **Q. Less than \$1,200?**  
17 A. After it's taxed. That's for the whole  
18 semester. Not per month, for the entire  
19 semester.  
20 **Q. And it's your testimony that you don't**  
21 **intend to apply with other school**  
22 **districts in the future?**  
23 A. Montgomery is where I live and pay my



<p>388</p> <p>1 taxes. No, I don't plan on applying 2 with those school districts. 3 <b>Q. What other ways, other than financially,</b> 4 <b>do you claim that you've been damaged?</b> 5 THE WITNESS: You want me to 6 go down the list? 7 MR. PATTY: Whatever you 8 think -- you think. 9 A. My medical insurance is out. 10 <b>Q. Did you do COBRA?</b> 11 A. Huh-uh (negative response), I did the -- 12 no, that was way -- that was up there. 13 <b>Q. Expensive?</b> 14 A. I did the least expensive one that only 15 covers hospitalization. I have endured 16 a tremendous financial hardship. I've 17 had to apply for food stamps. I have 18 become totally dependent on my family. 19 I have relinquished a lot of items that 20 I otherwise would have kept, such as a 21 china service, jewelry, pieces of 22 clothing. I have come in contact with 23 two legal notices where I'm not able to</p>	<p>390</p> <p>1 A. Stress. 2 <b>Q. So she's been in the hospital since May</b> 3 <b>of 2005?</b> 4 A. Yes. 5 <b>Q. Had she ever been in the hospital for</b> 6 <b>stress before?</b> 7 A. The only time my mother was in the 8 hospital was when she delivered me and 9 my brother. That was it. 10 <b>Q. Any other way that you've been damaged?</b> 11 <b>Have you seen a psychiatrist or a</b> 12 <b>counselor?</b> 13 A. No, I haven't. 14 <b>Q. Have you seen your physician and sought</b> 15 <b>any type of medication that you had not</b> 16 <b>been taking before?</b> 17 A. I haven't seen him officially because of 18 the insurance issue, but he has seen me. 19 And he's constantly on me, Melvin, you 20 are bigger than you have ever been. 21 <b>Q. They tell me that, too.</b> 22 A. Yeah. I mean, but -- I mean, I know it, 23 and I can feel it. You are bigger than</p>
<p>389</p> <p>1 pay a debt that I owe. I have had to 2 position my family to sell some real 3 estate in order for me to be able to not 4 go into default on my student loans and 5 pay my mortgage. And I provided 6 Attorney Patty with that this morning. 7 Physically, as far as health 8 is concerned, everything from chest 9 pains to headaches to weight gain. The 10 constant fear of unconsciously 11 suppressing a lot of this and having a 12 stroke or a massive heart attack. My 13 father died at the age of 51 with a 14 massive heart attack, so I think about 15 it all of the time. My mother has been 16 hospitalized twice having to take on 17 these pressures of my finances and my 18 well-being. It has been extremely 19 agonizing. 20 <b>Q. Your mother's been in the hospital</b> 21 <b>twice --</b> 22 A. Yes. 23 <b>Q. -- because of your situation?</b></p>	<p>391</p> <p>1 you've ever been, and you can see it. 2 You need to come in and -- you know, the 3 constant thing is, you know, you 4 remember what happened with your daddy. 5 Professionally, the 6 humiliation of being viewed -- I won't 7 say incompetent, I don't think anybody 8 views me as being incompetent, but 9 difficult or any type of slander where 10 anybody would not want to employ me, 11 that has been tremendous. 12 The frustrations of having to 13 pay back or be held accountable for a 14 student loan of over a hundred thousand 15 for my doctoral program and not being 16 able to practice with it. Being plagued 17 with a graduation fee that I'm looking 18 at. I don't know how in the world I'm 19 going to pay that. That's \$2,000. I 20 mean, I've been from one extremity to 21 another. 22 <b>Q. At no time during this that you've</b> 23 <b>suffered, have you thought about calling</b></p>

Pages 388 to 391

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1 **Lee Ballard or Keith Stewart at Bullock**  
 2 **County and asking for a job?**  
 3 A. I don't think at this point I should  
 4 have to start running all over again,  
 5 because I don't think I did anything  
 6 wrong. And this is where I pay my  
 7 taxes. This is where I finance my home.  
 8 And I just don't see -- where am I going  
 9 to have some stability? I was here for  
 10 three years, left, came back. I mean,  
 11 it really has to stop, so no. And then  
 12 when you look at the commuting and what  
 13 it does to my automobile, no.  
 14 **Q. And what do you drive?**  
 15 A. A foreign car, a Mercedes.  
 16 **Q. Is it just harder on commuting on that**  
 17 **type of car?**  
 18 A. It's expensive. Gas escalated. And  
 19 then there's more of a service fee when  
 20 you're putting more miles on your car.  
 21 It can get up there. I've experienced  
 22 it before.  
 23 And I forgot to -- I've even

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1 exasperated or exhausted my retirement.  
 2 It's -- it is of no more. And there was  
 3 no splurging. It was strictly for the  
 4 necessities of meeting that household  
 5 every month.  
 6 **Q. Anything else that you can tell us about**  
 7 **in regards to your damages?**  
 8 A. I don't even know how you would look at  
 9 humiliation, just one untruth after  
 10 another and one merry-go-round after  
 11 another. I don't even know how you  
 12 could even -- how you could tabulate,  
 13 even look at putting a measurement on  
 14 that.  
 15 **Q. What is your mom's job with the school**  
 16 **system?**  
 17 A. Attendance officer.  
 18 **Q. And she works for Lois Johnson?**  
 19 A. For Student Support or Student Services.  
 20 The name changed.  
 21 **Q. And how long has she been in that**  
 22 **position?**  
 23 A. It's been over ten years. It might be

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1 just at eleven.  
 2 MRS. CARTER: All right. If  
 3 y'all will give us a  
 4 minute, or I can leave.  
 5 It doesn't matter.  
 6 MR. PATTY: Yeah. I just  
 7 have a couple of  
 8 follow-ups. Do you  
 9 want me to do that real  
 10 quick?  
 11 MRS. CARTER: Sure.  
 12 MR. PATTY: And that way --  
 13 MRS. CARTER: Sure. I'll be  
 14 looking at my stuff.  
 15 MR. PATTY: Yeah. There may  
 16 be something that  
 17 you'll want to come  
 18 back and ask.  
 19 EXAMINATION  
 20 BY MR. PATTY:  
 21 **Q. Mr. Lowe, you have a -- and I don't know**  
 22 **if you mentioned this when you were**  
 23 **going over your degrees -- you have an**

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1 **Ed.S./AA certification degree with a**  
 2 **concentration in Special Ed**  
 3 **collaborative training, if I said that**  
 4 **right?**  
 5 A. Collaborative teaching.  
 6 **Q. Collaborative teaching?**  
 7 A. Most of my extra coursework and  
 8 electives were Special Ed classes. And  
 9 I just filed at the state department for  
 10 that upgrade on my certificate.  
 11 **Q. Okay. All right. So that was in the**  
 12 **Fall of 2004 when you obtained that**  
 13 **degree that I just --**  
 14 A. It was prolonged. So I just filed -- I  
 15 just sent the state department  
 16 information for the upgrade.  
 17 **Q. But did you have the degree in the Fall**  
 18 **of 2004?**  
 19 A. I think I had completed it. We were in  
 20 a university problem, but it was  
 21 completed.  
 22 **Q. And that was with Alabama State?**  
 23 A. Yes.

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1 **Q. Now, you were asked questions about your**  
 2 **job as a reading coach in October of**  
 3 **2003, and I think you've testified you**  
 4 **performed the duties of a reading coach**  
 5 **after being brought to Daisy Lawrence in**  
 6 **October of 2003; is that right?**  
 7 A. Yes.  
 8 **Q. Okay. And you were evaluated as a**  
 9 **reading coach, were you not?**  
 10 A. Yes.  
 11 **Q. And that was by your supervisor,**  
 12 **Mr. Owens?**  
 13 A. Yes.  
 14 **Q. Have you had any conversations with**  
 15 **Dr. Purcell where she has said that it's**  
 16 **the procedure or process or policy of**  
 17 **her or Montgomery Public School Systems**  
 18 **that they hire the person who's**  
 19 **recommended by the principal, that**  
 20 **that's their standard operating policy?**  
 21 MRS. CARTER: Object to the  
 22 form.  
 23 Go ahead. I was

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1 just objecting.  
 2 A. The last conversation I had with her,  
 3 that was what she -- that was her  
 4 position.  
 5 **Q. Okay. And that you had not been**  
 6 **recommended by a principal, so,**  
 7 **therefore, you were not hired; is that**  
 8 **basically what she was telling you?**  
 9 A. Yes.  
 10 **Q. Now --**  
 11 A. Her exact question was: Have you been  
 12 recommended? And my reply was, Yes.  
 13 **Q. Okay. But she had previously told you**  
 14 **that people who are recommended by a**  
 15 **principal, the standard operating**  
 16 **procedures for that, that's the person**  
 17 **they choose to hire?**  
 18 MRS. CARTER: Object to the  
 19 form.  
 20 A. Yes.  
 21 **Q. Now, you have also been potentially out**  
 22 **of work for this -- what will be the**  
 23 **2005-2006 school year; is that right?**

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1 A. Yes.  
 2 **Q. Do you think that's going to damage your**  
 3 **career?**  
 4 MRS. CARTER: Object to the  
 5 form.  
 6 A. Yes.  
 7 **Q. All right. How so?**  
 8 A. In the event that for some estranged  
 9 reason I decide I'm going to leave the  
 10 system or leave the state, and I  
 11 interview as a candidate with a terminal  
 12 degree in leadership, I may make a good  
 13 interview, which I know I would, but  
 14 when you get ready to sit and we need to  
 15 look and tabulate experience and  
 16 financial accommodations, it might be a  
 17 red flag with all of these  
 18 qualifications, you were out of  
 19 employment for a year.  
 20 Secondly, the type of jobs  
 21 that I would at this point desire and  
 22 apply for, director, coordinator, and in  
 23 some districts, possibly assistant

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1 superintendent, from my training, you  
 2 would initially want a recommendation or  
 3 some type of feedback from a central  
 4 office person, as opposed to your last  
 5 principal, who you would expect to say  
 6 something favorable. And I don't think  
 7 I'd be able to secure that from  
 8 Montgomery County being that a lawsuit  
 9 has been filed and all of the rhetoric  
 10 that I've been taken through. So I'm  
 11 just left to suffer.  
 12 **Q. Okay. Now, you were asked about it**  
 13 **being tough on your car to commute to**  
 14 **these other places. Do you have an**  
 15 **opinion on whether it would be tough on**  
 16 **you to be driving an hour or an**  
 17 **hour-and-a-half every day somewhere?**  
 18 MRS. CARTER: Object to the  
 19 form.  
 20 A. Yes. It would be difficult on me, as  
 21 well as anybody else.  
 22 **Q. Now, since the 2004-2005 school year**  
 23 **when you stopped working, you've talked**



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1 to some superintendents, haven't you, in  
2 other systems?  
3 MRS. CARTER: Object to the  
4 form.  
5 A. Yes.  
6 Q. Okay. Which ones have you talked to  
7 about possible positions?  
8 A. I talked to a superintendent -- I can't  
9 even -- Dr. Arbee in Georgia. Al Arbee.  
10 A-L-T-E-E. Last name Arbee, A-R-B-E-E.  
11 I talked to -- who else did I talk to?  
12 He was out of Georgia. I talked to a  
13 Dr. Glenn Murphy in Dunnellon, Florida.  
14 And I talked to a Dr. Karen Dyer. She's  
15 not a superintendent, but she works with  
16 an educational resource foundation in  
17 Greensboro, North Carolina.  
18 Q. What about locally? Since the end of  
19 last spring, have you talked to any  
20 school systems locally here, Macon,  
21 Butler?  
22 MRS. CARTER: Object to the  
23 form. He's already

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1 answered that.  
2 A. I just -- when you start calling off the  
3 specific systems, I interviewed with the  
4 superintendent and a principal in Macon  
5 County.  
6 Q. Okay. All right. Any other systems?  
7 A. No.  
8 Q. Butler County?  
9 A. You know, and it's tiring, and I'm  
10 forgetting. Yes, I interviewed with  
11 Mr. Looney in Butler County.  
12 Q. Okay.  
13 A. And I just -- I'm kind of forgetting.  
14 MRS. CARTER: With who?  
15 With Mike Looney?  
16 THE WITNESS: Mr. Mike  
17 Looney.  
18 BY MR. PATTY:  
19 Q. Any other systems you can think of? I  
20 know it's 5:00, but let's . . .  
21 A. Let me see, Butler -- no, that was it.  
22 Q. Okay.  
23 A. Butler and Macon.

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1 MR. PATTY: That's all I  
2 have.  
3 MRS. CARTER: So, of course,  
4 I have a few more.  
5 EXAMINATION  
6 BY MRS. CARTER:  
7 Q. Why were you talking to Al Arbee in  
8 Georgia? Were you trying to get a job?  
9 A. We were actually talking about  
10 graduation with no Doctorate's. And he  
11 just happened to call me during the day  
12 to leave a message, and I answered the  
13 phone. And one conversation -- one word  
14 led to another, and I just asked him, I  
15 said, Well, what are the possibilities?  
16 And the first thing he said, he said,  
17 You know, you could probably, being that  
18 you've taught in another school  
19 district, with two districts, you could  
20 probably come up here and get a job, but  
21 what's going to mess you up is when you  
22 get ready to get some type of  
23 recommendation, that's going to mess you

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1 up. Because I know you could probably  
2 get one from the principal, but when you  
3 think about the jobs you're going to  
4 want -- some of those that were  
5 available that he mentioned to me --  
6 they're probably going to want to talk  
7 to a higher administrator to get a feel  
8 of your leadership ability.  
9 Q. I mean, I'm confused. Were you trying  
10 to get a job in Georgia?  
11 A. Huh-uh, I wasn't trying. I mean, the  
12 conversation came up. Just a what if.  
13 I was not trying. Because I had not  
14 applied. There's no paperwork on me on  
15 any school for any school district or  
16 state department in Georgia.  
17 Q. Because would you leave Montgomery and  
18 go to Georgia?  
19 A. I'm uncomfortable with it.  
20 Q. What about Florida? Why were you  
21 talking to a superintendent in Florida?  
22 A. A family friend who finished the Nova  
23 program and got -- found -- saw my name

<p style="text-align: right;">404</p> <p>1 in the graduation announcements. And he</p> <p>2 called, and we just briefly talked.</p> <p>3 But, no, I'm not comfortable with</p> <p>4 entertaining that possibility either.</p> <p>5 <b>Q. So did you make an application to get a</b></p> <p>6 <b>job in Florida?</b></p> <p>7 A. No.</p> <p>8 <b>Q. How did it come about that you</b></p> <p>9 <b>interviewed in Macon County if you had</b></p> <p>10 <b>not applied there?</b></p> <p>11 A. I got a phone call from Mr. James</p> <p>12 Knuckles (phonetic). How he knew I was</p> <p>13 unemployed, I don't know. And he told</p> <p>14 me to go and see Mr. Theodore Samuel</p> <p>15 (phonetic) in Macon County. I did. The</p> <p>16 interview with Mr. Samuel was quite</p> <p>17 lengthy.</p> <p>18 <b>Q. Did you get a job offer?</b></p> <p>19 A. We left his office and went to the</p> <p>20 superintendent's office. He was ready</p> <p>21 to hire me on the spot for a reading</p> <p>22 coach.</p> <p>23 When we got to the</p>	<p style="text-align: right;">406</p> <p>1 A. The first time they had a different</p> <p>2 superintendent. At this time, no.</p> <p>3 <b>Q. Do you know that they communicated with</b></p> <p>4 <b>Montgomery County?</b></p> <p>5 A. Well, he said let me check on some</p> <p>6 things.</p> <p>7 <b>Q. Do you know whether or not, though?</b></p> <p>8 A. No, I don't.</p> <p>9 <b>Q. Okay. What about Mike Looney, what</b></p> <p>10 <b>occurred, that you interviewed with in</b></p> <p>11 <b>Butler County?</b></p> <p>12 A. I sent Mr. Looney a communication asking</p> <p>13 did he have any available openings. And</p> <p>14 he called me and said, Get in your car</p> <p>15 and come down here. When I met with</p> <p>16 him, he said, I've got two Special Ed</p> <p>17 jobs if you want them. He gave me</p> <p>18 paperwork to complete for emergency</p> <p>19 certification. He said, Give this to my</p> <p>20 secretary and call me when you give it</p> <p>21 to her, and we'll go from there. The</p> <p>22 drive was more than I anticipated. I</p> <p>23 didn't even fill out the application for</p>
<p style="text-align: right;">405</p> <p>1 superintendent, I positioned the</p> <p>2 superintendent about his Director of</p> <p>3 Curriculum position that was open. And</p> <p>4 where I had already done an internship</p> <p>5 and did quite an extensive bit of</p> <p>6 writing for Macon County while I was on</p> <p>7 the internship there. And he just said</p> <p>8 to me, Well, I want to check on some</p> <p>9 things. And I knew what that meant,</p> <p>10 he'd probably check back with Montgomery</p> <p>11 County or somebody in Montgomery County.</p> <p>12 And I did have two follow-up</p> <p>13 phone calls from the principal, who was</p> <p>14 saying, Come on to work, and we'll get</p> <p>15 your paperwork later. But I couldn't</p> <p>16 get caught like that, and I didn't. And</p> <p>17 nothing ever developed. None of my</p> <p>18 communications were even acknowledged</p> <p>19 thereafter.</p> <p>20 <b>Q. So you did not get a job offer from</b></p> <p>21 <b>them?</b></p> <p>22 A. Not this time, no.</p> <p>23 <b>Q. What do you mean? Oh, because in --</b></p>	<p style="text-align: right;">407</p> <p>1 the emergency certification.</p> <p>2 He and I did talk about some</p> <p>3 administrative positions, but he told</p> <p>4 me, Melvin, you know I would have hired</p> <p>5 you, but the recommendations have</p> <p>6 already come in, and that's kind of a</p> <p>7 done deal. He even provided me with the</p> <p>8 personnel report. He said, I want you</p> <p>9 to see these. Here it is. It's already</p> <p>10 done. I know you've applied for them,</p> <p>11 but it's already done.</p> <p>12 <b>Q. You had already applied for what?</b></p> <p>13 A. Some administrator positions that he had</p> <p>14 available that I saw on the web page.</p> <p>15 You know, when I got down -- when I went</p> <p>16 down and I talked with him, he addressed</p> <p>17 them. And he showed me the personnel</p> <p>18 reports. He said, I don't want you to</p> <p>19 think, you know, I'm dodging you, but</p> <p>20 these have already been . . .</p> <p>21 <b>Q. By other people in the system, you mean?</b></p> <p>22 A. Yes, other people in the system.</p> <p>23 <b>Q. So did he offer you a job?</b></p>

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1 A. He offered me two jobs. With Dr. Murphy  
2 at the high school, and Mr. John Hill at  
3 the middle school.  
4 **Q. And you didn't take them because of the**  
5 **drive?**  
6 A. The drive.  
7 **Q. Anybody else that you made application**  
8 **with? Was there any reason you didn't**  
9 **make application like in Autauga or**  
10 **Elmore County that were short drives?**  
11 A. No. What I was looking for and what I'm  
12 still looking for is an administrative  
13 post. And all those schools' districts  
14 had to offer were teaching positions.  
15 Just as with Macon County, I didn't  
16 initiate an interest there, it came to  
17 me. I followed suit, but I still  
18 initiated an administrative post when I  
19 talked to the superintendent.  
20 **Q. Do you know of other people in the**  
21 **Montgomery County system that have**  
22 **similar certifications to you that are**  
23 **still just teachers?**

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1 A. There are probably quite a few. More  
2 than we could mention today.  
3 **Q. Right. That have certifications to be**  
4 **administrators and things of that**  
5 **nature, but they've not been given those**  
6 **type jobs yet?**  
7 A. Then I don't know who has applied and  
8 who hasn't applied either.  
9 **Q. I'm confused. Your lawyer was asking**  
10 **you some questions about this issue**  
11 **about Special Education, and you said it**  
12 **was a university problem. When did the**  
13 **university -- when did you graduate or**  
14 **get the degree for Special Education**  
15 **from Alabama State?**  
16 A. I never said we had one.  
17 MR. PATTY: She's talking  
18 about the Ed.S./AA.  
19 A. The Ed.S. and double A certification  
20 is -- the double A is a certification.  
21 The Ed.S is a degree.  
22 **Q. Right.**  
23 A. This is just -- this is January. We had

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1 some problems, but it was just conferred  
2 in November.  
3 **Q. Of 2005?**  
4 A. '04 -- '05, '05. The extra courses that  
5 I took as electives were Special  
6 Education courses --  
7 **Q. Right.**  
8 A. -- towards collaborative teaching.  
9 MRS. CARTER: All right. I  
10 jumped right into that.  
11 If you'll give me three  
12 minutes.  
13 MR. PATTY: Okay.  
14 (Whereupon a brief recess  
15 was taken.)  
16 BY MRS. CARTER:  
17 **Q. I'm not trying to beat a dead horse, but**  
18 **it's real important that we're clear on**  
19 **something and that I make sure that I**  
20 **haven't misunderstood. Do you recall**  
21 **ever having a conversation with Jimmy**  
22 **Barker in the Summer of '05 about a**  
23 **Special Education position when he said**

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1 go get me proof that you are certified  
2 or that you have done the relevant  
3 casework in Special Education, that's  
4 what we have to have? Do you remember  
5 having a conversation with him like  
6 that?  
7 A. No.  
8 **Q. Okay. Did you ever provide him with the**  
9 **information that showed that you had**  
10 **done the appropriate coursework in**  
11 **Special Education or that you were**  
12 **otherwise certified in Special**  
13 **Education?**  
14 A. Yes.  
15 **Q. Okay. Can you provide me or tell me**  
16 **where today that information is?**  
17 A. We should -- we have it, because I  
18 pulled it. Because I had to give a copy  
19 to Mr. Sikes.  
20 **Q. What is it? Like if we were looking for**  
21 **it, what should we look for?**  
22 A. It's -- what I did, I e-mailed the  
23 registration office at Northcentral



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1 University, and I applied for the  
 2 Master's degree in exceptional student  
 3 education. I evaluate student  
 4 transcripts all the time, but I can not  
 5 evaluate my own. So I took all the  
 6 classes that were on the curriculum, and  
 7 I took all the classes that I had from  
 8 Bachelors, Master's, Specialist, and  
 9 Doctorate. And the same way you cross  
 10 reference a course with the core  
 11 description is what I did. And I said  
 12 to Mr. Sikes, These are the courses that  
 13 from my accredited transcripts will  
 14 cross over. The only conversation  
 15 Mr. Barker and I had, he said, Melvin,  
 16 some of these classes -- or these  
 17 classes don't have an SPE, or Special Ed  
 18 prefix, which that -- with  
 19 certification, you may need a research  
 20 class. Okay?  
 21 **Q. Okay. Here's my question Mr. Lowe:**  
 22 **What do we put our hand -- what**  
 23 **documents are you referring to? Like**

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1 **when you're telling me --**  
 2 A. I have it. If it's not -- it's in  
 3 there. I gave Mr. Barker a copy, and I  
 4 also gave Mr. Sikes a copy.  
 5 **Q. What is it? What does it look like?**  
 6 A. It is the curriculum for Exceptional  
 7 Student Education and all the courses  
 8 that I have taken that will cross  
 9 reference those courses that will be  
 10 required for that Master's in  
 11 Exceptional Student Education. I even  
 12 checked with the state department in  
 13 Montgomery, and the curriculum is  
 14 approved. My courses will be approved.  
 15 **Q. And I'm just confused about what you're**  
 16 **talking about. There was a university**  
 17 **where you took classes that you maintain**  
 18 **were classes that fell under the Special**  
 19 **Education category?**  
 20 A. Yes.  
 21 **Q. And you are saying here today that you**  
 22 **provided evidence or information about**  
 23 **those courses that you took?**

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1 A. Yes.  
 2 **Q. And what are you going by when you say**  
 3 **that these classes that you took**  
 4 **qualified as the appropriate Special**  
 5 **Education classes that the Board was**  
 6 **looking for when determining whether you**  
 7 **were qualified for the job?**  
 8 A. If they had taken those classes and  
 9 applied them to the state department,  
 10 what they -- told them the same thing  
 11 that I was told, he meets -- these  
 12 classes will cross over. If this is the  
 13 school, Northcentral, that he wants to  
 14 go through to get the degree, and these  
 15 are all of the classes that he took on  
 16 the Bachelor's, Master's, Specialist,  
 17 and Doctorate level, and we say we can  
 18 take this class, this class, this  
 19 class -- if they had done that --  
 20 Mr. Looney was in a position to do it.  
 21 They even did it when I was in Bullock  
 22 County. They were in the process of  
 23 certifying me for an emergency

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1 certificate in Special Education.  
 2 **Q. Why did you have to be certified under**  
 3 **an emergency certificate if you had the**  
 4 **classes? I mean, when you're saying**  
 5 **that they had to match your classes up,**  
 6 **are you saying that you expected them to**  
 7 **take these -- say there were nine**  
 8 **classes -- these nine classes and count**  
 9 **them for these other nine class that you**  
 10 **were supposed to have taken?**  
 11 A. That is the procedure.  
 12 **Q. And a few minutes ago when you were**  
 13 **testifying and I said, What would you do**  
 14 **if somebody wanted to offer you the job,**  
 15 **and don't you have more classes to take,**  
 16 **you said, Yes, and I'll do that and get**  
 17 **certified if somebody offers me the job?**  
 18 A. I said nobody offered me a job.  
 19 MR. PATTY: He said he  
 20 had -- I think he  
 21 testified, and I don't  
 22 want to testify for  
 23 him --

<p style="text-align: right;">416</p> <p>1 MRS. CARTER: Okay. 2 Don't -- 3 MR. PATTY: -- but he had 4 three class that he 5 said he had to take. 6 THE WITNESS: Three classes. 7 MRS. CARTER: Right. 8 MR. PATTY: But he could get 9 an emergency 10 certificate. 11 MRS. CARTER: And I 12 understand that. 13 MR. PATTY: Right. And that 14 he had classes that 15 would match up, as 16 well. 17 MRS. CARTER: Right. 18 BY MRS. CARTER: 19 Q. And I don't disagree with his 20 characterization of your testimony. 21 A. Right. 22 Q. And I'm not being stupid, but obviously 23 a couple of these jobs were Special Ed</p>	<p style="text-align: right;">418</p> <p>1 course, I'm using the -- 2 A. Uh-huh (affirmative response). 3 Q. -- that these set of classes cross over 4 for the set of classes that they're 5 looking for? 6 A. Any certification officer can evaluate 7 it. Any certification officer in any 8 school -- 9 Q. Did you ever get that evaluated -- 10 A. Yes. 11 Q. -- by an independent individual? 12 A. Yes. 13 Q. Who? 14 A. I had a friend of mine, Martha Pettway, 15 Dr. Martha Pettway at Alabama State 16 University. She said you would have to 17 send it through the state department to 18 get an official yes or no, but -- 19 Q. Did you ever do that? 20 A. Yes. 21 Q. You sent your coursework through the 22 state department for them to do a 23 cross --</p>
<p style="text-align: right;">417</p> <p>1 jobs, and I've got to make sure that I 2 completely understand where you're 3 coming from. 4 So isn't it true that to be 5 certified in Special Education, you 6 would still have additional classes that 7 you had to take? 8 A. Me? 9 Q. Yes. 10 A. Well, at this point, I don't know. 11 Because -- 12 Q. Did you testify earlier that there were 13 three additional classes -- 14 A. Yes. There are three additional classes 15 on the information I gave Mr. Barker and 16 Mr. Sikes. But since that, I completed 17 the specialization in my Doctorial 18 program, which is additional -- those 19 are additional courses, so those classes 20 may cross over. 21 Q. When you say they may cross over, what 22 are you going by when you made the 23 determination that these nine -- and, of</p>	<p style="text-align: right;">419</p> <p>1 A. No. Not through the state department, 2 no. Martha Pettway doesn't work for the 3 state department. 4 Q. Here's my question. 5 A. Okay. 6 Q. Did you ever go through the state 7 department and get some kind of analysis 8 where the set of classes you had taken 9 crossed over to the set of classes that 10 they were going to look for -- 11 A. No. The only thing I did with the 12 state -- okay, go ahead. 13 Q. -- crossed over for the set of classes 14 that they were looking for to determine 15 if you were qualified to teach that 16 class? 17 A. No. The only thing I did with the state 18 department was to make sure that the 19 curriculum was accredited and approved 20 by the State of Alabama since the 21 school -- 22 Q. For what? 23 A. The Exceptional Student Education</p>

<p style="text-align: right;">420</p> <p>1 Master's Program via Prescott --</p> <p>2 Prescott, Arizona. See, the school is</p> <p>3 in Prescott, Arizona, Northcentral</p> <p>4 University. I dealt with the state</p> <p>5 department to make sure that they would</p> <p>6 approve and accept that curriculum for</p> <p>7 certification in the State of Alabama.</p> <p>8 <b>Q. For what?</b></p> <p>9 A. For a Master's degree in Exceptional</p> <p>10 Student Education. I then sat with</p> <p>11 Martha Pettway. And we took those same</p> <p>12 classes that I gave Mr. Barker a copy</p> <p>13 from Northcentral on the curriculum and</p> <p>14 those that I typed out that were my</p> <p>15 transcript, I gave to Mr. Sikes, I gave</p> <p>16 to Mr. Barker and Attorney Patty has a</p> <p>17 copy.</p> <p>18 MRS. CARTER: I want you</p> <p>19 to -- can he put his</p> <p>20 hands on a copy of</p> <p>21 that?</p> <p>22 THE WITNESS: Yeah, he can</p> <p>23 pull it. Because I</p>	<p style="text-align: right;">422</p> <p>1 <b>for identification and</b></p> <p>2 <b>attached hereto.)</b></p> <p>3 MS. DUGAS: Is that what you</p> <p>4 produced to us?</p> <p>5 MRS. CARTER: Yes, that's</p> <p>6 been produced to you.</p> <p>7 MS. DUGAS: Okay.</p> <p>8 MRS. CARTER: That was the</p> <p>9 first thing we ever --</p> <p>10 probably the only thing</p> <p>11 we produced the first</p> <p>12 time we produced</p> <p>13 documents.</p> <p>14 MR. PATTY: There's a -- the</p> <p>15 only thing that may be</p> <p>16 an issue with that is</p> <p>17 there's a -- there's a</p> <p>18 set of documents we</p> <p>19 produced to y'all that</p> <p>20 was a copy of the file</p> <p>21 he was given by Ann</p> <p>22 Sippial, who requested</p> <p>23 his personnel file</p>
<p style="text-align: right;">421</p> <p>1 left it with you.</p> <p>2 MRS. CARTER: Because, you</p> <p>3 know, I mean --</p> <p>4 THE WITNESS: It was one of</p> <p>5 the last things we went</p> <p>6 over, or did I put it</p> <p>7 back in that other</p> <p>8 binder?</p> <p>9 MR. PATTY: I don't know.</p> <p>10 THE WITNESS: Do you want me</p> <p>11 to go to the car to get</p> <p>12 the other copy?</p> <p>13 MR. PATTY: No.</p> <p>14 (Whereupon an off-the-Record</p> <p>15 discussion was held.)</p> <p>16 BY MRS. CARTER:</p> <p>17 <b>Q. I'm going to mark this as Defense</b></p> <p>18 <b>Exhibit 47. I hope I'm not messing up.</b></p> <p>19 <b>I believe this is a copy of your</b></p> <p>20 <b>personnel file. Is that what that</b></p> <p>21 <b>appears to be?</b></p> <p>22 <b>(Whereupon Defendants'</b></p> <p>23 <b>Exhibit No. 47 was marked</b></p>	<p style="text-align: right;">423</p> <p>1 before there was a</p> <p>2 lawsuit. And there's</p> <p>3 some differences</p> <p>4 between it and that</p> <p>5 that y'all produced to</p> <p>6 us. Some different</p> <p>7 documents in there and</p> <p>8 that sort of thing. So</p> <p>9 I don't know --</p> <p>10 MRS. CARTER: Is it</p> <p>11 something of out-</p> <p>12 standing significance</p> <p>13 or something I screwed</p> <p>14 up on when I --</p> <p>15 MR. PATTY: No, no. I mean,</p> <p>16 there's more in that</p> <p>17 than there is in hers.</p> <p>18 So, I mean, that's the</p> <p>19 only thing. I don't</p> <p>20 know that he can say</p> <p>21 that's his personnel</p> <p>22 file, because he's been</p> <p>23 given something that's</p>



<p style="text-align: right;">424</p> <p>1 different than Ann, 2 so for whatever it's 3 worth. 4 MRS. CARTER: Did y'all turn 5 over -- see, the 6 difficulty of the 7 documents you gave me, 8 and I'm not 9 complaining, is that 10 nothing was stapled or 11 grouped. 12 MR. PATTY: Uh-huh 13 (affirmative response). 14 MRS. CARTER: And so I don't 15 know if something was 16 something he kept or 17 something that came 18 from somebody else 19 or something that -- 20 (Whereupon an off-the-Record 21 discussion was held.) 22 MRS. CARTER: Back on the 23 Record.</p>	<p style="text-align: right;">426</p> <p>1 something that was in a grouping, 2 but . . . 3 A. I'll have to go back and look. I think 4 I know exactly which one that is, but 5 I'll have to look back through my notes. 6 <b>Q. Tell me what you think that one is. It</b> 7 <b>sounds like it was in that same time</b> 8 <b>frame or summer --</b> 9 A. That one was Southlawn Middle School. 10 And Tina Minott told me that there was a 11 legal issue with Pam Cloud (phonetic), 12 who was a white woman, and she had to 13 hire her. 14 <b>Q. In '04?</b> 15 A. If I stand corrected, yes. 16 <b>Q. That's what it looks like it is here,</b> 17 <b>but I could be . . . well, to your</b> 18 <b>memory, did that happen the same summer</b> 19 <b>or about the same time that Bobby Abrams</b> 20 <b>was trying to hire you as administrative</b> 21 <b>assistant?</b> 22 A. I believe that was the same year. 23 <b>Q. It sounds like it in your Complaint,</b></p>
<p style="text-align: right;">425</p> <p>1 BY MRS. CARTER: 2 <b>Q. The bottom line, Mr. Lowe, is that you</b> 3 <b>maintain that when you had the</b> 4 <b>opportunity to get these Special</b> 5 <b>Education jobs, it's your position that</b> 6 <b>you should been allowed to be awarded</b> 7 <b>those positions, that you were</b> 8 <b>qualified?</b> 9 A. Yes, I was. 10 <b>Q. In your Complaint, you refer to a job</b> 11 <b>that I don't think I've asked you about.</b> 12 <b>It's right before you talk about or</b> 13 <b>right after you talk about the</b> 14 <b>administrative assistant position with</b> 15 <b>Bobby Abrams in 2004. It says that you</b> 16 <b>also had a principal wish to hire you as</b> 17 <b>the SIA or the Title I position, and</b> 18 <b>that the Board refused to allow you to</b> 19 <b>be promoted into that job. What</b> 20 <b>principal and school are you talking</b> 21 <b>about there? This was for an SIA or a</b> 22 <b>Title I position, and I don't think I've</b> 23 <b>asked you about that. It's probably</b></p>	<p style="text-align: right;">427</p> <p>1 okay. And tell me again what -- and 2 Tina Minott wanted to hire you? 3 A. Yes. 4 <b>Q. And tell me what she was told.</b> 5 A. She told me, she said, Melvin, I really 6 wanted you, she said, but there's a 7 legal issue with Pam Cloud, and I have 8 to hire her. 9 <b>Q. Any other conversations you had with</b> 10 <b>anybody about that?</b> 11 A. No. 12 <b>Q. Do you know Pam Cloud?</b> 13 A. Yes. 14 <b>Q. Do you know what her qualifications</b> 15 <b>were?</b> 16 A. I think she has a Specialist degree. I 17 don't know. She has to be certified in 18 administration, so I'm assuming she at 19 least has that. 20 <b>Q. Any other jobs? Those are the ones that</b> 21 <b>I found in your Complaint. Any other</b> 22 <b>job that you can tell us about today</b> 23 <b>that you feel you should have received?</b></p>

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1 A. No.

2 **Q. All right.**

3 MRS. CARTER: I'm going to

4 say I'm finished,

5 because I'm too tired

6 from thinking about it.

7 (Whereupon an off-the-Record

8 discussion was held.)

9 (The deposition of

10 MELVIN ALONZA LOWE, III,

11 concluded at 5:45 p.m.)

12

13 \* \* \* \* \*

14 FURTHER DEPONENT SAITH NOT

15 \* \* \* \* \*

16

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Middle District of Alabama, Northern

Division; that the foregoing pages

contain a true and accurate transcription

of the examination of said witness by

counsel for the parties set out herein;

that the reading and signing of said

deposition was waived by witness and

counsel for the parties.

I further certify that I am neither

of kin nor of counsel to the parties to

said cause, nor in any manner interested

in the results thereof.

This the 16th day of January, 2006.

Cornelia J. Baker  
Certified Shorthand Reporter,  
Certified Court Reporter and  
Notary Public for the  
State of Alabama

My Commission expires 6/9/08.

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